

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901
RECEIVED
BUREAU OF LAND MANAGEMENT
02 SEP 13 PM 3:40
PALM SPRINGS-SOUTH COAST
RESOURCE AREA

September 5, 2002

James G. Kenna, Field Manager
Bureau of Land Management
Palm Springs-South Coast Field Office
690 West Garnet Avenue
P.O. Box 581260
North Palm Springs, CA 92258-1260

Dear Mr. Kenna:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the **Draft California Desert Conservation Area (CDCA) Plan Amendment for the Coachella Valley and the Draft Santa Rosa and San Jacinto Mountains Trail Management Plan** [CEQ Number 020227]. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations at 40 CFR Parts 1500-1508, and Section 309 of the Clean Air Act.

The DEIS describes and analyzes a range of alternatives for managing Bureau of Land Management (BLM) lands in the Coachella Valley of southern California. New management direction and alternatives are proposed to address a broad range of resource and management issues, including recovery of listed species, motorized and non-motorized recreational opportunities, mineral and energy resources, and collaborative management across jurisdictional boundaries. BLM has identified three action alternatives (Alternatives A-C). The agency's preferred alternative for the CDCA Plan Amendment is an amalgamation of plan elements chosen from these alternatives. The preferred alternative for the Santa Rosa and San Jacinto Mountains Trail Management Plan portion of the DEIS is Alternative B. Both the CDCA Plan Amendment and Trail Management Plan were developed using a collaborative planning process involving local governments, State agencies, other Federal agencies, and Indian tribes.

EPA commends BLM for its thorough analysis of impacts associated with the action alternatives. Issues have been clearly articulated, and the impact analysis does an excellent job of discussing potential impacts in the context of each issue area. We also appreciate efforts taken to identify related planning efforts so that this plan can be considered in its appropriate planning context. In most respects, the impacts associated with the preferred alternative are expected to be beneficial. Accordingly, we have assigned a rating of LO (Lack of Objections) to the DEIS. Please consult the enclosed document for more information on EPA's rating system.

Based on our review, we offer the following comments for your consideration in preparing the Final EIS:

- The plan amendment anticipates using an adaptive management strategy to address continuing impacts in the planning area. When possible, the Final EIS and Record of Decision (ROD) should identify specific elements of other alternatives that will be considered as fallback options if management objectives are not being met during a reasonable time frame.
- Since the preferred alternative is drawn from multiple action alternatives, it would be useful to identify the preferred alternative whenever specific alternatives are referenced in Chapter 4--Environmental Consequences (this was done on some occasions but not consistently). This would alleviate the need to refer back to Table ES-1 or Chapter 2 to determine which alternative is preferred.
- Page 4-45 references "additional mitigation measures [that] may be required to minimize impacts to water resources and hydrologic processes" in the event that sand and gravel mining facilities are developed within conservation areas. We request that BLM be more specific about the types of mitigation measures that would potentially be considered.
- Page 4-69 references the possibility of setting a carrying capacity if the Drop 31 area becomes "enormously popular." We recommend that BLM identify the elements it will consider in determining whether a carrying capacity determination is warranted. It also might be useful to adopt a specific schedule for monitoring use and associated impacts at the Drop 31 area. BLM should also identify whether it considers additional NEPA analysis to be necessary to set management parameters for the Drop 31 area, based on its best estimate of potential use.
- In the event that the preferred alternative is modified as a result of comments received on the DEIS, we request that BLM consult with EPA prior to releasing the FEIS.

EPA appreciates the opportunity to review and offer comments on this DEIS. If you have any questions concerning this letter, please contact me or Leonidas Payne of my staff [phone: (415) 972-3847; e-mail: payne.leonidas@epa.gov]. Please send a single copy of the Final EIS to the Federal Activities Office at the letterhead address above (mail code: CMD-2) when it becomes available.

Sincerely,

Lisa B. Hanf, Manager
Federal Activities Office

Enclosure: Ratings Summary

PC218

PC002

PC064

PC 119
120

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



TRIBAL PLANNING, BUILDING & ENGINEERING

BUREAU OF LAND MANAGEMENT

02 SEP -6 PM 3 05

PALM SPRINGS-SOUTH COAST
RESOURCE AREA

September 5, 2002

James G. Kenna
U.S. Bureau of Land Management
690 West Garnet Avenue
North Palm Springs, CA 92258-1260

Subject: Comments on the U.S. Bureau of Land Management's
Draft Environmental Impact Statement for the Draft
California Desert Conservation Area Plan Amendment
for the Coachella Valley and the Draft Santa Rosa and
San Jacinto Mountains Trails Management Plan

Dear Mr. Kenna:

The Agua Caliente Band of Cahuilla Indians (the Tribe) has reviewed the above referenced document. The Tribe recognizes that as a result of the listing of the Peninsular Bighorn Sheep (PBS) as endangered by U.S. Fish and Wildlife Service and the release of the Recovery Plan for the species that the BLM is in the process of amending the California Desert Plan for the Coachella Valley. This amendment also addresses the creation of the Santa Rosa and San Jacinto Mountains National Monument within the BLM's California Desert Conservation Area. As a result, the BLM has released a draft Santa Rosa and San Jacinto Mountains Trails Management Plan establishing policies for continued opportunities for hiking, biking and equestrian use in the Santa Rosa and San Jacinto Mountains while promoting recovery of PBS. There are several issues that the Tribe wishes to address in regards to both these programs, the amended CDCA Plan and the Santa Rosa and San Jacinto Mountains Trails Management Plan, that relate to the Tribe's management of its lands, its natural resources including PBS, wild horses and riparian habitat within Palm Canyon, and the release of a Tribal Habitat Conservation Plan.

1. Agua Caliente Indian Reservation, home of the Agua Caliente Band of Cahuilla Indians, consists of over 31,400 acres of land in the Coachella Valley. It contains Tribal trust land, allotted land, and both Tribal and non-Indian fee land, which is in a

checkerboard pattern and interspersed among public lands owned or under the management of the federal government, in particular the BLM and the U.S. Forest Services, as well as state agencies and privately owned land. As a sovereign entity, the Tribe has protected and managed the areas and resources within its jurisdictional territory for thousands of years, and intends to continue to do so. However, it is the Tribe's intent to manage its lands and resources cooperatively with other adjoining land managers while maintaining sovereign authority over activities within its jurisdiction and protecting Tribal values.

2. In the above referenced document, the BLM has identified 1.2 miles of stream in Palm Canyon within Section 36 (Township 5 South, Range 4 East) on BLM land as eligible and suitable for recommendation for Wild and Scenic River designation. Although this segment of the main stream in Palm Canyon lies just outside the southeastern corner of the Reservation, segments of the stream continue onto the Reservation for approximately 3 miles before ending in the dry wash system at the base of Palm Canyon. Those segments on the Reservation may not be eligible or suitable for recommendation for Wild and Scenic River designation. It is the intent of the Tribe to manage the streams in Palm Canyon consistent with both the Indian Canyons Master Plan and the Cooperative Management Agreement with the Bureau of Land Management.
3. The Tribe agrees with the BLM's recommendation to retire the Palm Canyon Herd Management Area designation. The Tribe has recently trapped and removed nine horses that were having an adverse impact on Dos Palmas Spring due to the severe drought conditions. The Tribe will continue to review field conditions in this area and will monitor for the possible presence of additional horses on the Reservation. If additional horses are discovered on the Reservation, they will be managed in compliance with the Tribal Habitat Conservation Plan that will be released in Autumn 2002. Where appropriate the Tribe will coordinate its management actions with the BLM, particularly in regards to the existing cooperative agreement between the BLM and the Tribe for management of land uses and natural resources within the Santa Rosa and San Jacinto Mountains National Monument. As authorized under the Santa Rosa and San Jacinto Mountains National Monument Act of 2000, and as agreed upon in the above stated cooperative agreement, the Tribe and the BLM will exchange lands to facilitate both the

PC 042

PC 094

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Kenna Ltr.
September 5, 2002
Page 3 of 4

Tribe's and the BLM's land use and resources management actions.

4. The Tribal Habitat Conservation Program will be released in Autumn 2002 and will address the management and recovery of Peninsular Bighorn Sheep (PBS) on the Reservation as well as the management of other federally listed and Tribally designated sensitive species. A total of 18 species will be addressed by the plan. Key conservation goals in the plan for PBS include:

- Conserving lambing areas within the Reservation
- Conserving clearly defined migration corridors within the Reservation
- Conserving most of the remaining PBS habitat throughout the San Jacinto Range on the Reservation
- Dedicating, where appropriate and feasible, conserved land to a Habitat Preserve; and
- Minimizing impacts to PBS and their habitat by imposing development standards, including avoidance and minimization measures.

5. The establishment and maintenance of trails throughout the Reservation for hiking and equestrian use (no off-road vehicle use is allowed) is a vital part of the Tribe's management of the Indian Canyons and surrounding areas. Riparian habitat, Peninsular Bighorn Sheep lambing areas and migration routes are extremely sensitive areas that must be protected. The compatibility of the established trails with these sensitive resources will be analyzed in 2003 as part of the Tribe's implementation of the Tribal Habitat Conservation Plan. The Tribe will inventory existing trails using GPS and photo documentation to record existing conditions. This information will be used to assess potential impacts on existing sensitive biological resources.

Maintaining trails within the Reservation is an important traditional use of the Tribe for cultural, economic and conservation purposes. If possible conflicts are identified, corrective measures will be implemented where practical. While trails on the Reservation are not subject to the management prescriptions contained in the draft Santa Rosa and San Jacinto Mountains Trails Management Plan, Tribal management decisions will be considered relative to trail connectivity and

Kenna Ltr.
September 5, 2002
Page 4 of 4

network viability with those trails on adjacent, non-Reservation lands including BLM lands.

Please do not hesitate to call us if you need additional information or need clarification on the above comments. Contact Mr. Michael Kellner at 760-325-3400, extension 204 or myself at extension 217.

Sincerely,


Margaret Park
Principal Planner
Agua Caliente Band of
Cahuilla Indians

C: Tribal Council
Tom Davis, Chief Planning Officer
Mike Kellner, Environmental Resources Manager
File

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

MORONGO
BAND OF
MISSION
INDIANS

July 22, 2002



9181
FOSTER ROAD
BANNING,
CA 92220
P (909) 849-4897
F (909) 849-4435

James G. Kenna
Field Manager
Bureau of Land Management
Palm Springs South Coast Field Office
Post Office Box 581260

Re: Proposed California Desert Conservation Area (CDCA) Plan
Amendment and Environment Impact Statement for Public Lands in
the Coachella Valley

Dear Mr. Kenna,

We reviewed the Draft Environmental Impact Statement issued for the proposed California Desert Conservation Area Plan Amendment. Portions of the area considered were traditionally used by the Wanakik Cahuilla and Serrano peoples. We are particularly concerned with the areas immediately north and south of Whitewater Canyon and the area west of Windy Point. We would like to be informed of any projects or studies conducted in those areas.

If you require additional information, I may be reached at (909) 849-4697 x2922.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Pantell".

Susan Pantell
Environmental Manager

RECEIVED
BUREAU OF LAND MANAGEMENT
02 JUL 24 PM 3:38
PALM SPRINGS-SOUTH COAST
RESOURCE AREA

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

STATE OF CALIFORNIA

GRAY DAVIS, Governor

RECEIVED
CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100
Sacramento, CA 95825-8202

02 AUG -7 PM 2:40

NEW SPRINGS-SOUTH COAST
RESOURCE AREA



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1880
Contact FAX: (916) 574-1885

August 1, 2002

Ms. Elena Misquez
U.S. Bureau of Land Management
690 W. Garnet Avenue
P.O. Box 581260
North Palm Springs, CA 92258

Dear Ms. Misquez:

Staff of the California State Lands Commission (CSLC) has reviewed the Draft Environmental Impact Statement for the Draft California Desert Conservation Area Plan Amendment for the Coachella Valley and the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan, June 2002 (SCH# 2002074001).

The CSLC owns numerous State School Land parcels within the defined area of the Conservation Area Plan Amendment for the Coachella Valley. Section 2.3.10, "Land Tenure: Acquisition Criteria", indicates that discretionary purchases within the Coachella Valley area, meeting outlined criteria, will be considered depending on overall Bureau priorities and resource capabilities. Staff of the CSLC would consider the exchange of its lands within the Coachella Valley area with the federal government, on a case-by-case basis, after appropriate appraisals of the surface and mineral estates are completed, and if it is determined that the exchange of these lands would be in the State's best interest. The CSLC would not be in a position to donate its school lands to the federal government as it has fiduciary responsibilities to the California State Teachers' Retirement System in the management of State School Lands.

The school land parcels appear to be within the Proposed Preferred Alternative Trails Management Plan shown in the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan. The parcels are located within the "Seasonal Trail Area", the

Ms. Elena Misquez
August 1, 2002
Page 2

"New Perimeter Trail Area", and possibility within the "Existing Perimeter Trail Area" shown in Figure 2-12. Authorization from the CSLC will be necessary before any proposed activity or development occurs on any CSLC owned school lands in these areas.

Should you have any questions or desire additional clarification, please contact Ms. Marianne Wetzel, School Lands Unit, at wetzelms@slc.ca.gov, at the above address, or by telephone at (916) 574-1817.

Sincerely,

Dwight E. Sanders, Chief
Division of Environmental
Planning and Management

Cc: Marianne Wetzel
Stephen Jenkins

PC 105

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF FISH AND GAME
Eastern Sierra & Inland Deserts Region
4775 Bird Farm Rd.
Chino Hills, CA 91709
(909) 597-5043

RECEIVED
BUREAU OF LAND MANAGEMENT

02 SEP -9 PM 3:50

PALM SPRINGS-SOUTH COAST
RESOURCE AREA

5 September, 2002



Mr. James Kenna
Field Manager
Bureau of Land Management
Palm Springs-South Coast Office
690 West Garnet Avenue
P.O. Box 581260
North Palm Springs, CA 92258-1260

Dear Mr. Kenna:

The California Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Draft California Desert Conservation Area Plan Amendment for the Coachella Valley (CDCA Plan) and the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan prepared by the Bureau of Land Management (BLM). We are not submitting comments on the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan at this time, as that Plan is part of the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP), therefore, it is more appropriate to provide the comments when that plan is out for review. The CDCA Plan/DEIS describes and analyzes a range of alternatives for managing the public lands administered by the BLM in the Coachella Valley. The Coachella Valley is located in central Riverside County. The Department has the following comments on the document:

Page 1-4, Section 1.4, Alternatives Considered and Not Analyzed in Detail, last paragraph

Please note and include a statement acknowledging that while sheep are known to enter the urban interface and become habituated to human activity, it is not a desired condition and considered detrimental to the recovery of wild sheep populations.

Page 1-7, Section 1.5, Relationship to Other Plans, Santa Rosa Mountains National Monument Plan

Please include a statement that the boundary of the National Monument also includes lands owned by the Department and California State Parks and the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 does not alter or have jurisdiction over the management of these lands or those owned by other non-federal

Page 2

Mr. James Kenna
5 September 2002

jurisdictions.

Page 1-8, Section 1.5, Relationship to Other Plans, The Recovery Plan for the Peninsular Ranges Bighorn Sheep

Please include that the Peninsular Bighorn sheep were listed as rare by the California Fish and Game Commission in 1971 and that the designation was changed to threatened under the California Endangered Species Act in 1984. In addition, the species is designated as Fully Protected by the California legislature.

Pages 1-8 through 1-10, Section 1.5, Relationship to Other Plans, The Recovery Plan for the Peninsular Ranges Bighorn Sheep

It is unclear in this section which activities are to be addressed through this plan amendment and which are subject to additional project level consultation with the Fish and Wildlife Service. Several activities listed on page 1-8 are also listed on page 1-10. The document states that those on page 1-8 are applicable to this plan, whereas those on page 1-10 will require project level consultation, yet many of the activities are the same. Please clarify.

Page 1-9, Section 1.5, Relationship to Other Plans, The Recovery Plan for the Peninsular Ranges Bighorn Sheep, Item #1

Please identify in this document that page 88 of the Peninsular Bighorn Sheep Recovery Plan identifies a list of trails with potential user conflicts.

Page 1-9, Section 1.5, Relationship to Other Plans, The Recovery Plan for the Peninsular Ranges Bighorn Sheep, Item #1(g)

Please change to read "except for peripheral trails located at or near the edge of urban areas..."

Page 1-11, Section 1.5, Relationship to Other Plans, Santa Rosa Mountains Wildlife Habitat Management Plan: A Sikes Act Project (Sikes Act Plan)

The Sikes Act Plan was jointly developed by the Department and BLM. Any amendments or updates need to be agreed to by both agencies. The Department has not yet agreed to update the Sikes Act Plan through the CVMSHCP. The Department considers the Sikes Act Plan active and any updates should be done through the mechanism outlined in the plan itself. Management of the area will continue with the same emphasis stated in the plan, "If the WHA is to retain its relatively undisturbed character, public use must be tailored to insure minimal permanent impacts. The intent of the plan is to provide for public use of the area in a manner consistent with the maintenance of existing wildlife values". Furthermore, it needs to be consistent with the 1985 Cooperative Agreement for the Santa Rosa Mountains Wildlife Area 3, which states that "Peninsular Bighorn Sheep will be the primary emphasis species of the BLM and CDFG cooperation agreement"

Page 1-17, Section 1.6, Planning Criteria, Area and Route Designation Criteria

PC 171

PC 174

PC 170

PC 011

PC 169

PC 030

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Page 3
Mr. James Kenna
5 September 2002

The second criterion states "Areas and routes shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats." This appears to limit the BLM's ability to establish an off-highway vehicle open area at Drop 31 without providing mechanisms to avoid impacts to bighorn sheep, as described in our letter of June 17, 2002 (attached). The desert bighorn sheep is designated as a Species of Special Concern by the Department, as well as a Fully Protected Species, by the California legislature (Fish and Game Code §4 and thus it appears that these designations and the criterion are in conflict with the placement of an off-highway vehicle open area at Drop 31.

Page 2-2, Section 2.1.2, Plan Goals Common to All Alternatives
Please provide a discussion on how the goals were developed.

Page 2-4, Section 2.1.3.1, Wild and Scenic Rivers

Please include an explanation of the differences between designations of wild vs. recreational and wilderness vs. non wilderness.

Page 2-9, Section 2.1.3.5, Multiple Use Classification, Preferred Alternative (B)
The description does not match figure 2-3(a), which indicates that Windy Point, Indian Hills, and Iron Door are classified as Multiple-Use "I".

Page 2-10, Section 2.1.3.6, Habitat Conservation Objectives, Preferred Alternative (B&C)

The text refers to objectives outlined in table 2-4, which appears to be missing from the document. This missing table makes review of the document difficult. The Department recommends that a revised document be released, with adequate time for review to determine if the analysis in chapter 4 conforms to conservation objectives.

Page 2-16, Section 2.1.3.15, Wild Horse and Burro Program

The Department recommends including the removal of illegal animals as part of the preferred alternative.

Page 2-17, Section 2.1.3.16, Motorized-Vehicle Area Designations

As previously stated in our comment on the Area and Route Designation Criteria, criterion (b) limits BLM's ability to designate Drop 31 as an off-highway vehicle open area.

Page 2-18, Section 2.1.3.16, Preferred Alternative (B)

The fifth bullet states "The expanded area of Dos Palmas ACEC would remain closed." This indicates that the ACEC boundary would be changed and conflicts with the Preferred Alternative for the Special Area Designation on page 2-11, which states that

PC 110

PC 031

PC 041

PC 220

PC 092

PC 110

PC 052

Page 4
Mr. James Kenna
5 September 2002
existing ACEC boundaries would remain unchanged.

Page 2-20, Motorized-Vehicle Access: Route Designations
A preferred alternative needs to be indicated in this section.

Page 2-22, Section 2.1.3.17, Motorized-Vehicle Access: Route Designations
At present there is no commercial use on Dunn Road and this should be reflected in alternative D.

Page 2-23, Special Recreation Management Area, Preferred Alternative (B) d)
The waters authorized in the NECO plan were included to expand the usable habitat for bighorn sheep. At the time they were authorized, the concept of designating Drop 31 as an off-highway vehicle open area had not been discussed. The designation of Drop 31 and the resultant increase in human use will result in sheep being unable to drink from the Coachella Canal. The problems associated with sheep use of the canal and its lack of availability are out-lined in our letter of June 17, 2002 (attached). In addition, BLM has closed the roads to Hidden Spring, Washingtonia Spring, and Sheephole Oasis, as well as seasonally closing the Mecca-Copia Trail, at least in part, due to concerns about human intrusion into bighorn water sources. It is the Department's belief that waters in addition to the two authorized in the NECO plan are necessary to off-set the impacts of designating Drop 31 and are the responsibility of BLM as the project sponsor. It would not be possible to locate the waters outside of wilderness, due to the narrow distance between the Drop 31 area, the wilderness boundary and the intrusion by humans into the area. Therefore, additional waters should be included wherever needed. Designation of Drop 31 as an off-highway vehicle open area should be contingent upon additional waters being authorized by this plan and should be in-place prior to approving use of the area. Furthermore, the Department recommends additional ranger patrol be provided to reduce human intrusion into sheep habitat.

Page 2-27, Section 2.1.3.20, Recovery Strategy for the Peninsular Ranges Bighorn Sheep, #5

Please mention that an EA was prepared by the BLM for Bighorn sheep research. The analysis should not focus solely on helicopter use and direct handling. An analysis should be provided comparing different research methods to methods using helicopters or direct handling. All research proposals, not just helicopter and direct handling methods should be evaluated by the same criteria (i.e. on the basis of less intrusive techniques, the value of the data obtained and the costs).

Page 2-29, Section 2.1.4, Plan Maintenance

A discussion should be included to describe how the trails plan will be implemented should the CVMSHCP not be completed. Many of the trails cross through jurisdictions other than BLM, and this must be addressed.

PC 005

PC 097

PC 109

PC 116
PC 216

PC 201

PC 014

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Page 5
Mr. James Kenna
5 September 2002

Page 3-6, Section 3.1.2.3, Potential Coachella Valley ACEC, Relevance

As previously mentioned, Table 2-4 is missing from the document and, therefore, it is difficult to determine if all the habitat values have been adequately described.

Page 3-17, Section 3.1.7, Wild Horse and Burro Herd Management Areas

The last sentence on the page states - "If these animals are removed only four branded animals would be removed and the remaining animals would fall under the act." This contradicts the statement on page 2-16 which says, "only one of these horses qualifies as a wild horse under the wild horse and burro act". The Department supports removal of illegal horses and their offspring.

Page 3-21, Section 3.2.1 Coachella Valley Roadways, Rail Service

This section should include the old Kaiser Mine/ Eagle Mountain railroad that is now active and proposed to transport trash from highway 111 to the Eagle Mountain landfill. The route runs between the eastern boundary of the Orocopia wilderness and the Chocolate Mountains Gunnery Range. The potential environmental consequences need to include the spread of tamarisk through seeds that are picked up where tamarisk is planted along railroad tracks as a wind break.

Page 3-28, Section 3.4, Recreation

This section should include a commitment by BLM that any new trails or trail alignments will not be implemented without permission from affected landowners and without proper environmental documentation.

Page 3-29, Section 3.4, Recreation, Hunting

Please mention that hunting is not permitted within the state game refuge that encompasses a large part of the Santa Rosa and San Jacinto Mountains and that hunting is also not permitted on the Coachella Valley /Thousand Palms Preserve.

Page 3-30, Section 3.4, Recreation, Off-Highway Vehicle Use

Please include the current Multiple Use Class designations for the areas described in this section.

(3) Please provide the location and a description for the Iron Door area.

(4) Please include that Drop 31 is in close proximity to the Dos Palmas ACEC, and that ORV use and camping occur as far south as Drop 28.

Page 3-33, Section 3.5, Motorized-Vehicle Access, Motorized-Vehicle Route Designations

Please include the names of the public agencies applying for right-of-way permits on the Dunn Road. Please include a description of the current maintenance activities on the Dunn Road.

Page 6
Mr. James Kenna
5 September 2002

Page 3-38, Section 3.7, Water Resources/Quality, Surface Water

Please include a sentence stating that surface water is present seasonally at some springs. At Dos Palmas, surface water is also present in the palm oasis and artificial ponds.

Page 3-39, Section 3.8.1, Native Biological Resources

Last paragraph - The portion of the second sentence that states "all state listed threatened and endangered species..." needs to be rewritten to state that "all state listed threatened and endangered species within the CDCA planning area..." because all state listed species do not occur in this area.

Page 3-41, Section 3.8.2, Exotic (Non-native) Weeds and Pests

The list in the last paragraph should include major pest species found in the area, such as fountain grass, tamarisk, aquatic turtles, centrarchid fish (in certain ponds) and apple snails.

Page 4-9, Section 4.1.1.2, Wild and Scenic Rivers, Peninsular Ranges Bighorn Sheep Recovery Strategy

Please provide greater detail as to how Alternatives A,B, and C would help to conserve outstanding remarkable wildlife values in Palm Canyon related to the conservation of the Peninsular Range of bighorn sheep. No explanation is provided either here or in Chapter 2.

Page 4-17, Section 4.1.1.6, Wild Horse and Burro Management Areas

Please include that there is potential competition for resources between Peninsular Ranges bighorn sheep and wild horses. Although transferring the land to the Aqua Caliente Tribe will minimize land use conflicts on BLM-managed lands relating to wild horses, it does nothing to eliminate the actual conflict between horses and sheep.

Page 4-26, Section 4.1.3, Soils, Geology, Mineral and Energy Resources, Motorized Vehicle Route Designation, 2nd paragraph

The sentence that starts with "New unpaved roads..." needs editing for clarification.

Page 4-36, Section 4.1.5, Motorized-Vehicle Access

Alternative A – Please clarify here that currently the Dunn Road is closed to commercial Jeep tours as stated on page 3-33, and that this plan amendment will provide future direction on its use.

Page 4-36, Section 4.1.5, Motorized-Vehicle Access, Last paragraph

The third sentence which states "No new areas would be unavailable for general public access,...." needs clarification. The use of double negatives is confusing.

PC 1 PC 091
092

PC 032
PC 059

PC 095

PC 098

PC 099

PC 1 PC 157
164

PC 068

PC 029

PC 060

PC 040

PC 1 PC 093
089

PC 063

PC 097

PC 147

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Page 7

Mr. James Kenna
5 September 2002

Page 4-48, Section 4.1.8, Biological Resources, Fire Management Categories
Please include that a program to remove non-native grasses may be accomplished without prescribed burns and that non-native grasses are considered a threat to desert communities, as they provide flash fuel for fires in communities that are not fire-adapted.

PC 057

Page 4-50, Section 4.1.8, Biological Resources, Wild Horse and Burro Program
Please include a discussion of how impacts to vegetation and competition with bighorn sheep could increase during drought as forage and water become scarce. Please clarify how transferring the land to the Aqua Caliente Tribe would result in the eventual removal of the branded horses. The Tribe is not bound by this Plan and may decide to maintain the horses.

PC 089
PC 093

Page 4-51, Section 4.1.8, Biological Resources, Motorized Vehicle Designation
Please see comment under Page 2-23.

Page 4-52, Section 4.1.8, Biological Resources, Motorized Vehicle Designation, first paragraph

Alternative A, which would allow commercial use of the Dunn Road, increases impacts to Biological Resources. This contradicts the statement "existing impacts to biological resources would continue." Although commercial use of the Dunn Road has occurred in the past, due to lawsuit requirements and denial of access by a private landowner it is currently not permitted. Thus, the analysis should reflect non-commercial use as the existing condition.

PC 154

Page 4-53, Section 4.1.8, Biological Resources, Special Recreation Management Area

Please see comment under Page 2-23.

Page 4-57, Biological Resources, Peninsular Ranges Bighorn Sheep Recovery Strategy, Alternative A, #3, 3rd paragraph on page
Line 9 should read: California Department of Fish and Wildlife Game.

PC 222

Page 4-57, Biological Resources, Peninsular Ranges Bighorn Sheep Recovery Strategy, Alternative A, #4
Please provide more explanation about how information can be misinterpreted and by whom.

PC 192

Page 4-59, Biological Resources, Peninsular Ranges Bighorn Sheep Recovery Strategy, Alternative C, #4

Please indicate how mountain lions known to have killed sheep will be identified. In California, stomach analyses are required of all mountain lions taken under depredation permits to determine if they are the culprit.

PC 195

Page 8

Mr. James Kenna
5 September 2002

Page 4-60, Biological Resources, Hiking, Biking and Equestrian trails
Please include that permanent closure and relocation of trails illegally built or built without considering bighorn sheep, in addition to a perimeter trail system designed to have minimum impacts to sheep, would benefit sheep recovery. Recovery requires adequate room for increased populations to expand.

Page 4-87, Section 4.1.15, Socio-Economic Considerations, Hiking, Biking and Equestrian Trails

Please provide an analysis that shows the number of miles of trails proposed to be closed vs the number of miles of open trails in order to illustrate that there would be less than significant impacts to trail users.

The Department appreciates the opportunity to comment on this project. Questions regarding this letter should be directed to Ms. Kimberly Nicol, Staff Environmental Scientist, at (760) 775-6108.

Sincerely,

Glenn Black
Glenn Black
Senior Environmental Scientist
Eastern Sierra – Inland Deserts Region

cc: Mr. Pete Sorensen, USFWS, Carlsbad

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Page 9
Mr. James Kenna
5 September 2002

bcc: Alan Pickard
Kim Nicol
Eddy Konno

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
<http://www.dfg.ca.gov>
Eastern Sierra-Inland Deserts Region
4775 Bird Farm Road
Chino Hills, California 91709

GRAY DAVIS, Governor



June 17, 2002

Ms. Rachelle Huddleston-Lorton
Wildlife Biologist
Bureau of Land Management
Palm Springs-South Coast Field Office
P.O. Box 58-1260
North Palm Springs, CA 92258

Dear Ms. Huddleston-Lorton:

The California Department of Fish and Game (Department) appreciates the notification that the Bureau of Land Management (BLM) is proposing to designate Drop 31 as a possible Off-Highway Vehicle (OHV) open area. Due to the area's close proximity to the Orocopia Mountains, a known desert bighorn sheep range within the Sonoran metapopulation, the Department believes this action is inappropriate based upon the following information:

With an estimated population of 60 animals, the Orocopia Mountains bighorn sheep population is the largest existing deme within the Sonoran metapopulation. Over the last five years, it has declined from 80 to 60 animals. This deme is recognized as the only one within this metapopulation with sufficient numbers, over 50, for translocation to other demes should the need arise to supplement sheep populations in other ranges. Currently, all other existing demes within this metapopulation have less than 50 animals. Therefore, it is critical that the Orocopia Mountains deme be maintained at the viable level of over 50 animals. Additional environmental impacts imposed through the action of increased OHV activities will likely have a detrimental effect on this population. The Department cannot support activities within or adjacent to the Orocopia mountain range that may contribute directly or indirectly to a decline of this population. However, mitigation measures may be possible that would allow for the establishment of this OHV area, while at the same time supporting and increasing the population. These will be discussed at the end of the letter.

The above statements are supported by field observations on movement of sheep in the area. During the critical summer months, the Coachella Canal is utilized by Orocopia sheep as an alternative watering source and is essential to their survival. This dependency on the Coachella Canal has emerged due to the lack of access to dependable alternate watering sites, fragmentation from historic watering sites, and the loss of springs and tinajas. The installation of new dependable waters (guzzlers) would substantially reduce this reliance on the Coachella Canal. Trailing from the mountains to the canal is evident, and bighorn sheep are frequently observed watering at the canal

Ms. Rachelle Huddleston-Lorton
June 17, 2002
Page Two

from Drop 24 north to the Mecca Hills. Radio telemetry data collected by the Department from 1994 through 1999 clearly shows that mountain sheep tend to utilize the south-west facing slopes closer to the canal as ambient temperatures rise. This movement away from winter habitat is seasonally predictable and appears to be related to the need for water.

During the initial investigation of the Orocopia Mountains by the Department (Weaver and Mensch 1971), three critical factors were identified that were causing impacts to sheep: (1) encroachment of human activity; (2) lack of access to safe and predictable water sources, and (3) unnatural and unhealthy reliance on the Coachella Canal for water. All three factors are still applicable and have not been alleviated, but enhanced due to increased human activities and the reluctance by BLM to allow the Department to install any further additional safe, accessible, and reliable water sources that are essential to alleviating this dependency on the Coachella Canal. Based on the above recommendations though, the Department, with the support of the BLM Palm Springs office did construct the "Fay Dee" guzzler near Drop 28, which is heavily utilized by sheep, evident from sheep sightings, beds, droppings, and trailing.

In 1986, the Department and BLM developed a habitat management plan for this area, the *Orocopia Mountains Habitat Management Plan* (1986) under the Sikes Act, that further identified and described the need for additional water within this range and proposed the construction of five new guzzlers. In the *Orocopia Mountain Bighorn Sheep Management Plan* (1995), the Department reaffirmed the critical need for access to safe and reliable drinking water away from the canal. The latter plan also stressed the need to increase the availability of summer habitat through the development of several guzzlers. One of the ultimate goals of the plan was to allow the sheep to use more of the range on a year-around basis by decreasing their dependence on the Coachella Canal.

In 1998 and 1999, the Department, along with BLM Palm Springs office, initiated the Environmental Assessment (EA) process and developed an EA to construct three additional guzzlers in the Orocopia Mountains. The purpose of the guzzlers would be to: (1) provide alternative water sources to the Coachella Canal, (2) mitigate for the loss of access to water sources in the Cottonwood, Little San Bernardino, and Eagle Mountains, (3) reduce the need to cross the railroad line in search of water during drought periods in the Chocolate and Chuckwalla Mountains, (4) provide new habitat for summer use, (5) ensure that this deme remains viable in the long term, (6) provide for recreational uses including viewing, education, and hunting, and (7) maintain a sheep deme from which potential translocations may occur to mountain ranges where they have been extirpated, such as the Palo Verdes, Little Mules, and Mules. The EA was never finished, and the Department was told that the body of the EA would be incorporated into the *Northern and Eastern Colorado Desert Coordinated Management Plan (NECO)*. The NECO Plan does address this and allows for the construction of four new Guzzlers in the Orocopias.

RECEIVED
BUREAU OF LAND MANAGEMENT
02 JUN 20 PM 3 29
PALM SPRINGS-SOUTH COAST
RESOURCE AREA

601 001

601 001

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Ms. Rachelle Huddleston-Lorton
June 17, 2002
Page Three

In *Mountain Sheep Ecosystem Management Strategy in the 11 Western States and Alaska* developed by BLM (1985), under "Habitat Limiting Factors" on page 12, the text states that "the distribution on water sources" is one of the two most identified factors contributing to an unsatisfactory rating for bighorn sheep habitat conditions. Again on page 12, under "Population Limiting Factors", the text states that "harassment caused by human recreational activities such as off-road vehicle traffic" is one of the three most limiting factors having detrimental effects on mountain sheep populations.

The *California Desert Conservation Area Plan of 1980*, under the "Wildlife Element" page 30, states under the goals that the Plan will "(c)onsider the habitat of all fish and wildlife in implementing the Plan, primarily through adherence to and development of objectives dealing with habitats and ecosystems." The planned OHV proposal appears to violate this principle.

In the current draft of the NECO Chapter 2, page 30, under the "Goals of Desert Bighorn Sheep Conservation Strategy" it is clearly stated under sections a., b., and c. that maintaining and improving habitat and genetic variability within both this deme and the metapopulation is of utmost importance to ensure the long-term viability of the Sonoran Mojave Desert Bighorn Sheep metapopulation.

For 31 years the goal to develop additional water sources and improve habitat to alleviate the dependency of sheep on water at the Coachella Canal has never been accomplished. In the absence of developing additional water sources and improving the habitat, the Department feels that maintaining undisturbed access for sheep to the Coachella Canal during the critical summer months is crucial. Further disruption by increasing or encouraging OHV access in this area without actions to mitigate the impacts will likely contribute to additional physiological stress that could potentially be detrimental to this population.

Additionally, over the last few years, a significant increase in traffic along the Coachella Canal by the public, Border Patrol, undocumented aliens, and OHV users has been evident. Therefore, any additional increases in OHV traffic along the canal and increased noise levels may severely limit or prevent access to the canal by sheep. These existing impacts combined with the high probability of illegal access into the wilderness will further increase stress-induced impacts to this population.

In 2001, the Department (Ms. Nancy Andrew) verbally notified Mr. John Kalish at the BLM Palm Spring Office that increased illegal OHV traffic at No Name and Canyon Spring was limiting the use of these two water sources by sheep. She received the response that BLM did not have adequate resources to enforce existing closures within the Orocochia Mountains. Therefore, it appears that this OHV area will also be inadequately patrolled unless additional resources are provided. Harassment of sheep, intrusion into wilderness, and other factors which will limit sheep access to the canal will continue to go unchecked.

PC 115

PC 109

PC 111

PC 111

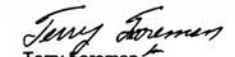
Ms. Rachelle Huddleston-Lorton
June 17, 2002
Page Four

Based upon the various planning documents currently in place, the consensus has been and remains that the dependency by Orocochia sheep upon the habitat and the accessibility to water along the Coachella Canal is critical and essential to the survival of this deme. Unless the goals of development of additional waters to redistribute the sheep away from the canal prior to the establishment of the OHV area, and assurances that sufficient enforcement staff are located in the area, the Department will have serious concerns about the proposal to make Drop 31 a recognized OHV area. Although the Department does recognize OHV activity as a viable form of recreation, the current body of published knowledge clearly demonstrates that OHV activity and desert bighorn sheep are not compatible from an ecosystem management standpoint. Therefore, the Department and BLM need to develop additional water sources, and BLM must increase enforcement presence prior to the establishment of the OHV area, or alternatively, we encourage the BLM to look at the other alternative sites that are currently being considered.

Although this letter primarily addresses impacts to sheep, a full consideration of other species that will be impacted needs to be addressed and fully disclosed. Any actions by the BLM that will limit access by sheep as well as other species to the Coachella Canal, their primary source of water, is of concern to the Department.

Thank you for the opportunity to respond on this issue. If you have any questions please feel free to contact Mr. Gerald P. Mulcahy, Associate Wildlife Biologist, at (760) 922-4686 or by e-mail at gmulcahy@dfg.ca.gov.

Sincerely,


Terry Foreman
Senior Biologist Supervisor

cc: Mr. Curt Taucher
Department of Fish and Game
Long Beach, CA

Mr. Alan Pickard
Department of Fish and Game
Bishop, CA

Dr. Vern Bleich
Department of Fish and Game
Bishop, CA

cc: continued on next page

PC 109

PC 116

PC 117

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Ms. Rachelle Huddleston-Lorton
June 17, 2002
Page Five

Mr. Gerald Mulcahy
Department of Fish and Game
Blythe, CA

Mr. James Davis
Department of Fish and Game
Sugarloaf, CA

Ms. Kim Nicol
Department of Fish and Game
Palm Springs, CA

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

James Kenna
Field Manager and
Elena Misquez,
Department of the Interior
Bureau of Land Management

Elena,

Below is a comment letter you may choose to include or not in the final record. I am not intimately familiar with the areas described but I am getting up to speed quickly. (I would welcome some cooperation with the BLM and other interests towards that end.) I have been involved with the CVMSHC-Plan and intend to continue researching some of the implications it has as well as to study it as it is implemented.

In regards to the *Santa Rosa and San Jacinto Mountains Trails Management Plan* I would especially like to be included in the "Public Outreach and Environmental Education" portion of the management plan implementation (2-20 of Draft). I am currently looking for opportunities to leverage my efforts through cooperating with other organizations. The synergies can benefit us all.

In regards to the plan, its salient features seem to make it a sound and fair plan. Unfortunately everyone cannot have exactly what they want, there are trade-offs. It calls for periodic review by a representative committee. It appears adaptive with the hard policy edges maintained by ESA and private economic considerations. The public is included in planning that occurs around these considerations. The public competes in a democratic process and mitigates the effects of both sides with a resulting compromise. A compromise is just a device that lets life continue as the argument goes on over time however.

I might be of help in this area. Another function of my job is to get and keep people involved in the ongoing processes taking place in management of California Deserts. This is done through creating awareness and educating individuals about the physical as well as political realities of the various issues. This is based on the premise that an ongoing inclusive discussion (informed decision making) is necessary and beneficial.

The plan calls for various restrictions from almost none to almost total exclusion of the public. The restrictions are based on current biological needs, cultural features, and human demands and needs as assessed by a variety of experts. It looks like a good start but that means it has displeased all parties to some degree!

Feel free to contact me.

Karl

Karl McArthur
UC Cooperative Extension ANR
Desert Natural Resource Advisor
777 E. Rialto Ave.
San Bernardino CA 92415-0730

September 5, 2002

Department of the Interior
Bureau of Land Management

Comments in regards to the Draft Santa Rosa and San Jacinto Mountain Trails Management Plan, and Draft Environmental Statement released June 7, 2002:

As I write this I realize all too well how difficult it is to balance competing demands in the California Desert. As populations and incomes continue to rise relative to a fixed or shrinking supply of outdoor recreation opportunities, recreation demands on California desert areas under BLM management can only be expected to increase. There will be painful trade-offs. There will be intergenerational trade-offs as well as trades between current uses. I would like to add my written comment into the record in favor of as much public access to the outdoors as possible based on human values of the experiences afforded. I would also like to commend the many public servants who work to make the management decision process inclusive and democratic.

From all of the public meetings I have attended it is clear to me that many people value California deserts. However, the value of just knowing the deserts exist, "existence value," is a small part of the larger value found in California's public desert areas. Most desert lovers value the opportunity to use and experience the deserts in some manner. Outdoor experiences are known to provide valuable pause and perspective. Wilderness places and the experiences they afford shape our humanity.

The resources involved have human value only in a human context. That context is in turn shaped by human use. Valuing the abstract idea of a desert experience is not the same as the value found in experiencing the real thing. The thought of a desert existing may not provide impetus to keep it alive in its natural condition. People need access to the wild places found in California's desert areas. If they do not have access they may not politically support its existence. They will forget its potential human value.

Certainly there are places and times when people need to be excluded. Many natural and historical resources are too fragile to risk to open access. Undoubtedly there is such a thing as overusing a resource as well. Increased human activity in less fragile portions of California deserts obviously increases the management burden. However, people who use and care about the desert are its best defense both in the wilds and in the political arena.

The current plan incorporates areas that can be managed for heavier use thus taking the burden off of more fragile environments. Possibly some metering scheme could be employed in other cases. There must be some way of providing for reasonable public access to public lands in a sustainable manner. There must also be continued access to the management process so that various stakeholder values can be reviewed and considered over time. The plan reflects a striving towards these social ends. Overall the plan appears to be balanced and adaptive.

Currently, the public desert is wholly claimed and "owned" by various segments of the larger public. Unfortunately many of the interests of the various "publics" involved are competitive to the point of being mutually exclusive. In many cases there are fundamental underlying value differences. Yet even those uses that are not competitive at a fundamental level become competitive with increased demands.

PC
140

PC
140

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

The situation has matured to the point that gain to any one group can only come from a loss in some other competing camp. The choice is not simply a decision of who will get what. The decision now involves comparing the values of what one group of individuals gains to what others lose.

Answers come seemingly slow in our time and only appear definitive in retrospect. They can come only with management innovations supported by research and education. New information must be incorporated into plans through an ongoing democratic process. Ironically, the most salient aspects of providing more desert per-person are outside of the manager's domain. The process may become even more painful as constraints of supply become more limiting under demands of a growing population. However, as long as the process is open, information from research and from the exchange between various stakeholders will continue to inform management decisions.

Humanity will be forever changed when wild outdoor places either cease to exist under asphalt, concrete and other manifestations of modern civilization, or are forever closed to public use. As humans we cope with paradox; of the individual within society, of death as part of life, and the concept of humanity within nature. The current process of route designation in the Santa Rosa and San Jacinto mountains, along with other aspects of current BLM planning, is a part of the larger continuing struggle with these human paradoxes.

It is important to keep as much of the desert open to as many people as possible without degrading its value. At various public meetings I have witnessed the fact that each decision is very personal to someone. I would like to acknowledge and complement the BLM efforts at balancing public values through an inclusive democratic process in the face of adversarial lawsuits that have rearranged organizational priorities on the public agenda (and have probably not been fully funded and / or have drained critical organizational funds). I also would like to thank you for allowing me to be a part of this process.

Sincerely,

Karl McArthur

PC 214

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

UNIVERSITY OF CALIFORNIA, RIVERSIDE

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

Mr. James Kenna
Bureau of Land Management
Palm Springs – South Coast Field Office
P.O. Box 581260
North Palm Springs, CA 92258-1260

Boyd Deep Canyon Desert Research Center
P.O. Box 1738
Palm Desert, California 92261-1738
Telephone: (818) 341-3655

RECEIVED
BUREAU OF LAND MANAGEMENT
02 JUN 28 PM 12:59
PALM SPRINGS-SOUTH COAST
RESOURCE AREA

Re: Draft San Jacinto Mountains Trails Management Plan

Dear Mr. Kenna,

Thank you for the opportunity to review the Draft San Jacinto Mountains Trails Management Plan. The "Proposed Preferred Alternative B" discusses new trail development on lands owned by the University of California, and managed as the Philip L. Boyd Deep Canyon Desert Research Center, a unit of the University of California Natural Reserve System. (See Section 2.2.2, Item V, New Trail Development, Page 18, and Section 4.2.2.2, Item V., New Trails Development, Page 48, "Criteria Matrix for Alignments of La Quinta Cove to Palm Desert Trail", Page 49, and "Alignment B – Between Eisenhower and Indio Mountains" and "Alignment C – West of La Quinta Cove", Page 50).

The University did not participate in the development of the Trails Management Plan, and was not consulted on proposed Alignment B and C. We were surprised to learn that Alignment C would be located across University land. Deep Canyon Desert Research Center allows research and teaching uses in a protected environment, but does not provide public access. Our policy explicitly prohibits recreational use.

I had discussed Alignment B with the City of Palm Desert some time ago. It is, however, misleading to state that "UCR has indicated a willingness to accommodate (the) proposed trail." The "accommodation" that we discussed involved crossing a few hundred feet of land south of the Ironwood Golf Course to move the trail away from a green. We also discussed security measures for our research area, and alignment of the trail on the east and west side of Deep Canyon wash. All of that alignment would be on Ironwood property (except for the short deviation to the south of the green) until it connected to BLM land (Sec. 4 E1/2). My discussion with the City was *conceptual* and I indicated that at the appropriate time I would request that the University administration consider the trail crossing. I did not make commitments to accommodate the trail: that is not my decision to make. There are significant legal issues involved that would need to be discussed with the Riverside campus, Systemwide Natural Reserve System, and University Counsel.

Finally, Alignment C is not acceptable. The "various people" who "hike the trail several times a year" are trespassers, and they are escorted off of the property when they are encountered. We prosecute repeat offenders.

We recommend further exploration of Alternative A, which does not cross University lands, for the new Perimeter Trail connecting Palm Desert and La Quinta.

Please contact me at the letter head address, or by email (deepcanyon@mindspring.com) if you need additional information or clarification.

Sincerely,

Allan Muth, Ph.D.
Director

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



September 5, 2002

P.O. Box 1504
78-495 CALLE TAMIGO
LA QUINTA, CALIFORNIA 92253

RECEIVED
BUREAU OF LAND MANAGEMENT
02 SEP -6 PM 3:07 (760) 777-7000
PALM SPRINGS-SOUTH COAST FAX (760) 777-7101
RESOURCE AREA

Mr. James G. Kenna, Field Manager
United States Department of Interior
Bureau of Land Management
Palm Springs - South Coast Field Office
690 W. Garnet Avenue
P.O. Box 581260
North Palm Springs, CA 92258-1260

SUBJECT: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
THE DRAFT CALIFORNIA CONSERVATION AREA PLAN AMENDMENT
(CDCA) FOR THE COACHELLA VALLEY AND DRAFT SANTA ROSA AND
SAN JACINTO MOUNTAINS TRAILS MANAGEMENT PLAN

Dear Mr. Kenna:

The City of La Quinta is pleased to submit comments on the Draft Environmental Impact Statement (EIS) for these Draft California Conservation Area Plan Amendment (CDCA) for the Coachella Valley and Draft Santa Rosa and San Jacinto Mountains Trails Management Plan. The City has concerns regarding the Trails Management Plan and its limitation on outdoor recreational opportunities to La Quinta's residents and visitors.

The City appreciates the notion of not implementing action on the Preferred Alternative "B" with a Record of Decision until the Draft Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP) is completed; however this Trails Management Plan recommendation is premature. The CVMSHCP is scheduled for public release and review in January, 2003. The Draft CVMSHCP will be recommending a Trail's Plan. The CDCA Trails Plan/EIS will have a deleterious influence on any genuine discussion and evaluation of alternatives for the CVMSHCP Trail Alternatives by local communities and trail users.

The proposed Trails Management Plan Alternatives are substantially different than the alternatives developed by the Coachella Valley Association of Governments (CVAG) Trails Working Group and forwarded to the CVAG Project Area Group to be considered in the public review of the CVMSHCP. These proposed CDCA alternatives have not been reviewed by the vary committee the Draft Plan declares as a part of its' collaborative planning process.

PC 010



While Preferred Alternative "B" gives consideration to allowing some existing trails to be open on a limited basis; Alternative "B" essentially cuts off all direct access to regional and state trails for La Quinta residents and visitors. The impact on the recreational opportunities for La Quinta residents and visitors has not been adequately addressed. The City of La Quinta desires to have direct access to the regional and state trail network.

On Trails Page 2-8 of the EIS, there is an extensive description of the data used, particularly Bighorn Sheep data, to develop the Trial Alternatives and Preferred Alternative "B". The Trails Working Group requested from responsible agencies this type of data as a basis for its' trail planning efforts with no results. The lack of this spacial and geographic data was the frustration exclaimed at every Trails Working Group meeting from August 19, 1999 to November 8, 2001 from the City of La Quinta and others. The data described in the Draft EIS is not displayed or referenced anywhere in the Draft EIS. The Draft EIS fails to explain or disclose this critical data and its' relationship to the central issues of trail use and Bighorn Sheep impact. Without disclosure of this data, the basis for Trail Management decision making and the Preferred Alternative "B" are without merit and cannot be adequately reviewed.

Finally, the proposed "New Trail" aligned over Eisenhower Mountain to connect a trail head in Palm Desert with the La Quinta Oasis trail head is inadequate, inaccessible and too difficult for most La Quinta residents and visitors to hike. A reasonably traversable trail, such as has been proposed by the City of Palm Desert and discussed numerous times with BLM staff, is an acceptable trail alignment which is only a moderately difficult hike.

Should you have any questions, please contact Fred Baker at 760-777-7065.

Very truly yours,

JERRY HERMAN
COMMUNITY DEVELOPMENT DIRECTOR

Fred Baker, AICP
Principal Planner

- c. La Quinta City Council
Thomas P. Genovese, City Manager
M. Katherine Jenson, City Attorney

P:\FRED\BLM ltr.wpd

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



CITY OF PALM DESERT

73-510 FRED WARING DRIVE
PALM DESERT, CALIFORNIA 92306
TEL: 760 346-0611
FAX: 760 340-0574
cityhall@ci.palm-desert.ca.us

RECEIVED
BUREAU OF LAND MANAGEMENT
02 AUG -6 PM 2: 23
PALM SPRINGS-SOUTH COAST
RESOURCE AREA

OFFICE OF THE CITY COUNCIL

July 25, 2002

U. S. Bureau of Land Management
Palm Springs - South Coast Field Office
690 West Garnet Avenue
P O Box 581260
North Palm Springs, California 92258-1260

Ladies and Gentlemen:

Re: **Draft Environmental Impact Statement (E.I.S.) of the Santa Rosa and San Jacinto Mountains Trails Management Plan**

First, let me extend compliments to all those who have worked both for a lengthy period of time and in an effective manner in crafting the draft E.I.S. After reading it several times, I believe that it is an excellent example of collaborative planning and integrating input from a variety of public use and interest groups. The following comments are intended not as criticism but as an attempt to further improve the planning effort. The comments refer to proposed Preferred Alternative B, which begins on page 10 of the Excerpts document.

Listed below are comments regarding sections of the Trails Management Plan.

Section 1 - Trail Use

- Regarding hard closures from January 15 through June 30, it should be noted that the data being used to force trail closures are incomplete, inconclusive, and in a majority of cases, the data have been accumulated by individuals or groups who may be thought of as self-serving in terms of their collection and/or reading of said data. I believe that there should be no hard closures without good, solid, independent data gathered by individuals or organizations without a vested interest in the outcome. That specifically relates to trails such as the Hahn Buena Vista Trail and the Dunn Road.
- Under Guidelines for Development of Perimeter Trails, the proposed Preferred Alternative suggests that hard closures will happen after nine years even if no perimeter trails have been built. I don't believe this would or should be acceptable to recreational users, as it allows agencies to simply stall on approval of alternative trails and in doing so, achieve a result that they might wish to have.
- The Preferred Alternative proposes the continuation of the Sheep Ambassador Program. Having watched, as an example at the Art Smith Trail, the Sheep Ambassadors sit in a vehicle for days on end with next to no one approaching for trail information, and having talked with specific Sheep Ambassadors about their "usefulness," and knowing

U.S. Bureau of Land Management/Palm Springs-South Coast Field Office
Response to Draft E.I.S.

Page 2
July 25, 2002

that this program was instituted not as the result of a BLM planning effort but as a court settlement component, this Sheep Ambassador issue needs to be cut out of the Preferred Alternative except as it might be done by volunteers. In an agency which is stretched incredibly thin, mandating this kind of program is financial foolishness and better and cheaper alternatives can and should be developed. The role and issues to be covered by any future Ambassador Program need to be expanded so that it is appropriate to the educational, cultural, and preservation and biological missions of the entire monument and its master plan.

- Regarding the annual review of the Trails Management Plan, the Trails Management Plan Review should also include input from the National Monument Advisory Committee.
- The plan needs to address the appropriate use of mountain bikes and specify on which trails they may and may not be allowed as a means of conveyance.

Section 2 - Cross-Country Travel

- No comments.

Section 3 - Camping

- The Preferred Alternative proposes a prohibition on camping in all Bighorn Sheep habitat from January 15 to September 30. The data presented for this are, again, weak and inconclusive, and there seems to be no rational reason to not allow camping along those trails and in those areas that are open, either on a daily basis or open in parts of the "closure period." The number of people camping in the Santa Rosa/San Jacinto Mountains is relatively small. Perhaps the use of a check-in permit might be appropriate to gather data in terms of camping intensity and use rather than begin with a blanket prohibition. Blanket prohibition is the most extreme method of controlling camping and does not have justification at this time.

Section 4 - Dogs

- No comments.

Section 5 - New Trail Development

- The proposed alternative notes no trails rising more than 200 feet below the toe of slope; 200 feet is an arbitrary number and may not fit with good trail planning. A better alternative would be to say, "not generally rise more than 200 feet above toe of slope."

CITY OF PALM DESERT

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

U.S. Bureau of Land Management/Palm Springs-South Coast Field Office
Response to Draft E.I.S.
Page 3
July 25, 2002

- Perimeter trail areas need to be very specifically defined and noted on maps and agreed to by various local land use agencies so that future development or other activities do not preclude their eventual building.
- Funding for land easements, trail construction, and trail head construction needs to be folded into the Multiple Species Habitat Conservation Plan as part of the mitigation measures necessary for trails closures for biological reasons.
- New perimeter trails will be usable all year round, yet the construction of the new perimeter trails can only occur from July 1 to January 14; this does not evidence consistency. If the trail can be used all year round, its construction should be allowed all year round.
- The Preferred Alternative notes that the new trail linking La Quinta Cove and Palm Desert, once completed, would then close the Art Smith Trail seasonally. Rather than "would be closed," better wording would be "could be closed."
- Regarding the third alignment for the La Quinta/Palm Desert Connector Trail, it notes that it would be closed from January 15 through September 30. Again, no data are presented to justify such an extreme alternative, and at its very minimum, such a new trail should be under the same guidelines as the two-day-a-week use allowed within the Art Smith and the Boo Hoff Trails.
- Regarding the timing of the La Quinta/Palm Desert Trail, the route needs to be chosen and granted at least preliminary approval before the Multiple Species Habitat Conservation Plan can be concluded, and specific attention needs to be given to some of the assertions listed in terms of sheep use and conflicts for at least one, if not two, of the proposed alignments.

Section 6 - Trail Rerouting

- No comments.

Section 7 - Trail Decommission and Removal

- No comments

Section 8 - Murray Hill Facilities

- No comments.

Section 9 - Non-commercial, Non-competitive Organized Group Activities

CITY OF PALM DESERT



U.S. Bureau of Land Management/Palm Springs-South Coast Field Office
Response to Draft E.I.S.
Page 4
July 25, 2002

- Prohibiting non-commercial, organized groups in seasonal trail areas would appear to have a direct and negative impact on Desert Riders trail activities. An example could be the annual ride on the Art Smith Trail. An alternative would be to have such organized activities allowed by permit only.

Section 10 - Non-motorized Commercial Recreation Activities

- No comments.

Section 11 - Motorized Commercial Recreation Activities

- The prohibition of motorized commercial recreation on large portions of the Dunn Road is simply not supported by good data and appears to be the private passion of a narrow interest group. While granting that parts of the Dunn Road need private landowner permission, there is no reason why the BLM should not, on a permit basis, allow commercial recreation without exception from October 1 through January 14, and perhaps, from January 14 on for a period on a one- or two-day-per-week basis. The original data from U.S. Fish and Wildlife regarding the disturbance to habitat is, for the most part in my reading of it, sheer bunk and should be treated as such. A few "experts" saying there's a problem does not make it so, and while there may ultimately be significant issues, those need to have data given to the agencies by people who do not have an ax to grind regarding these issues. Moving ahead without such data would certainly be poor planning by the BLM.

Section 12 - Competitive Recreation Events

- The Proposed Alternative gives a year round prohibition in essential Bighorn Sheep habitat, and there does not appear to be any rationale given for an absolute prohibition. A permit system, with appropriate data gathering and checks and balances, can be instituted that would at least allow the opportunity for someone, for example for a hiking or running event, to propose such an event with all the attendant safeguards and data. Blanket prohibition not supportable.

Section 13 - Public Outreach and Environmental Education

- No comments.

CITY OF PALM DESERT



15
PC
09

*Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses*

U.S. Bureau of Land Management/Palm Springs-South Coast Field Office
Response to Draft E.I.S.
Page 5
July 25, 2002

I would hope that the above comments can help to strengthen what is already, I believe, a very good Trails Plan for the Santa Rosa and San Jacinto Mountains Area, and I would hope that it is one in which we may find common ground so that we may move forward in finally adopting something and giving assurance to the public as well as to wildlife interests that we have found a balance that works for the future of the Coachella Valley.

Sincerely,



BUFORD A. CRITES
COUNCILMEMBER

CITY OF PALM DESERT



Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



CITY OF PALM DESERT

73-5
BUREAU OF LAND MANAGEMENT
TEL: 760 346-0611
PA 02 SEP 16 03 PM 3 06
PALM SPRINGS SOUTH COAST
RESOURCE AREA

OFFICE OF THE CITY COUNCIL

September 5, 2002
Mr. Jim Kenna
Page 2

September 5, 2002

Mr. Jim Kenna
Field Manager
Palm Springs - South Coast Field Office
Bureau of Land Management
P.O. Box 581260
North Palm Springs, California 92256

Via Facsimile 251-4899

Dear Mr. Kenna:

The following comments are intended to help strengthen the draft Desert Conservation Area Plan for the Coachella Valley. Overall, this document appears to be an excellent effort to update the BLM's planning process and to provide for appropriate safeguards and use of our local public lands.

The following are comments for consideration in the draft plan:

- I suggest that an additional sentence be added to the paragraphs regarding the preferred alternative for land exchanges and sale. That sentence would "give priority to trades in which the traded lands will continue to have the same habitat and conservation values that they presently exhibit."
- Regarding Communication Sites and Utilities. Wind park development under the preferred alternative would be continued to be permitted "consistent with habitat conservation objectives using appropriate mitigation measures." Some language should be added that notes that in areas within the Coachella Valley Multiple Species Habitat Conservation areas that the burden of proof for new permits should be on the applicant and that any lack of an absolute affirmative finding would not allow for new permits to be designated.

PC 106

PC 080

- Regarding Motorized-Vehicle Area Designation. The preferred alternatives suggest working with the Off-Highway Motor Vehicle Recreation Division and the California Department of Parks and Recreation for a play area north of I-10 east of Dillon Road. The wording appears to be very general and I suspect that unless something that gives it some priority and some likelihood of attention is placed in the preferred alternative this "work" may never come to any fruition.
- Regarding the Dunn Road with the Motorized Vehicle Area Designation. As always the Dunn Road and its use will generate significant controversy. I believe that the data I have looked at over the years has never justified many of the existing restrictions on the Dunn Road and the biological opinion which is issued was done with a small group of "experts" who had predetermined much of their conclusion. I believe that the BLM should begin by finding an outside peer review of all of the actions that have been done by both the State and Federal agencies regarding Dunn Road use. As I noted before, the data and the conclusions rarely have been a good match and certainly some of "experts" appear to be primarily interested in their own narrow agendas, and their biological expertise needs to have significant questioning. As an example, the data on fragmentation of habitat by road use mostly refers to heavily utilized paved roads and to an area in Anza Borrego State Park which had significant heavy unrestricted use during the time in which the data were collected. None of this existed in the past on Dunn Road or at the present, or certainly in the future. I would suggest that the Dunn Road be open for limited commercial use on an all year basis and from both top and bottom subject to private land owner permission and again, that a new set of independent analyses be done on some of the past decisions and that outside input be gathered for any future biological opinions so that they meet at least surface tests of objectivity.
- Regarding Recreation Stopping, Parking, Vehicle Camping. The draft preferred alternative suggests that camping would be allowed within 100 feet from the center line of an approved route. The existing regulations appear to allow 300 feet in many areas and this seems an appropriate regulation. The only justification for change that I can find in the text suggests disturbance of soil. This may or may not be significantly

PC 132

PC 151

PC 096

PC 165

CITY OF PALM DESERT

PRINTED ON RECYCLED PAPER

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

September 5, 2002
Mr. Jim Kenna
Page 3

different on 100 feet vs. 300 feet, and certainly 300 feet in many areas allows one to get far enough from a route of travel to have the experience of desert solitude. Many washes, canyon and topographical changes allow a 300 feet camping regulation to truly give a person a back country kind of experience. Without much better justification than exists in the draft alternative, 300 feet certainly seems a better idea for users of the California desert.

PC 165

- Regarding Bighorn Sheep Recovery Strategy. I applaud the BLM's proposal to have any permits and research proposals on public lands to be subject to a minimum 30 day public review and comment period and perhaps that time that should be 60 days given how long it takes for people to find out that even such proposals exist. I also applaud BLM's proposal to work with Fish & Wildlife and Fish & Game to examine the research efforts and the direct negative impacts those efforts often appear to have on the species being studied. Certainly here again is a fine place to bring in outside people to look at these issues who do not have a set of predetermined biases regarding Bighorn sheep.

PC 203

I would add one additional comment regarding "health of the land." The plan amendment writes in very general terms in noting the negative consequences of many introduced pest plants. Having had an experience some years ago in which a local trails group had \$25,000 for tamarisk and fountain grass removal and tried to obtain an appropriate permit from the BLM and finally turned the money to other uses after four years of waiting for a permit. Somewhere in the plan amendment comments regarding the importance of plant infestations and removal of exotic and some type of streamlined permit process should be addressed.

PC 058

In closing again my thanks for the excellent effort that has gone into preparing this draft Environmental Impact Statement, and I think most of the amendments will be well received by the public and will have positive consequences for the long term health of our public lands.

Sincerely,



BUFORD A. CRITES
COUNCILMEMBER

CITY OF PALM DESERT



Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



RECEIVED
BUREAU OF LAND MANAGEMENT
02 SEP -5 PM 2:19
City of Palm Springs
Department of Planning & Building
Palm Springs-South Coast Resource Area
Canyon Way • Palm Springs, California 92262
PH 423-8215 • FAX 423-8560 • TDD 423-8649

September 05, 2002

Bureau of Land Management
James Kenna, Field Manager
690 West Garnet (PO Box 1260)
Palm Springs, 92258

Re: California Desert Conservation Area Plan Amendments and San Jacinto Mountains
Trails Management Plan

Dear Jim:

The City Council, at its September 04, 2002 meeting, adopted the attached comments (Exhibit A) regarding the proposed California Desert Conservation Area Plan Amendments (CDCA) for the Coachella Valley and the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan (Trails Plan). Based upon its comments, the City Council supports several elements of the CDCA and has concerns about the portions of the plan dealing with Dunn Road, Bighorn Sheep recovery, and trail use.

As presented, the CDCA and Trails Plan have utilized the Recovery Plan as the basis for the range of alternatives dealing with Dunn Road and trail use. As noted in the CDCA and Trails Plan, the preferred alternative (B) recommends seasonal trail closures for 75% of the Bighorn Sheep Critical Habitat. After reviewing the subject documents and Recovery Plan, there is insufficient information to support such a strong linkage between trail use and effects upon Bighorn Sheep. At a minimum, more study is needed before such a restrictive trails plan is considered. Hopefully, this will occur during the Coachella Valley Multi-Species Habitat Conservation Plan process.

Lastly, while the City does not support several components of the subject document, it does recognize the efforts of the BLM staff to bring more information forward for public review and comment. The BLM's efforts to bring trail users together to develop a range of ideas is a good example of the hard work put into this project.

If you have any comments or concerns, please give me a call.

Sincerely,

Douglas R. Evans
Director of Planning & Zoning

cc: Mayor and City Council
David Ready, City Manager

Post Office Box 2743 • Palm Springs, California 92263-2743

EXHIBIT A

CITY COUNCIL OF THE CITY OF PALM SPRINGS,
CALIFORNIA, COMMENTS AND RECOMMENDATIONS
ON THE CALIFORNIA DESERT CONSERVATION AREA
(CDCA) PLAN AMENDMENTS FOR THE COACHELLA
VALLEY AND DRAFT SANTA ROSA AND SAN JACINTO
MOUNTAINS TRAILS MANAGEMENT PLAN.

The City Council, at its September 04, 2002 meeting, adopted the following comments and recommendations to the Bureau of Land Management (BLM).

MOTORIZED VEHICLE AREA DESIGNATIONS: The City Council supports BLM Alternative B relative to motorized vehicle area designations within the City of Palm Springs. Closure of Windy Point and the Whitewater Preserve is supported. Additionally, the City supports BLM and State Department of Parks and Recreation efforts to develop an off-road vehicle area as an outlet for this form of recreation in a suitable and appropriate fashion.

DUNN ROAD: The City Council recommends that the BLM work with governmental agencies and private land owners to ensure that Dunn Road is available for governmental purposes such as law enforcement, fire protection, and code enforcement activities. The CDCA Amendment text should consider the development of a master right-of-way grant to all governmental agencies with legal authority as a means to expedite continued governmental services in this area.

The City's General Plan calls for the improvement of Dunn Road to provide access to private properties which may be developed in the future. BLM should consider this in its planning efforts.

Additionally, the BLM should further consider limited commercial jeep tours from the valley floor as a means to provide access to the National Monument. Tours could be limited to certain days of the week.

BIGHORN SHEEP RECOVERY: The City Council supports the BLM Alternative B provisions for continued and, more importantly, public review of Bighorn research, including capture and augmentation programs. The City has previously objected to the science used in preparation of the Recovery Plan and does not feel that sufficient information is available to support the Recovery Plan. Additionally, the City Council is concerned that capture/release and augmentation programs in the Santa Rosa and San Jacinto Mountains have not been fully evaluated and publicly reviewed. Release of captured or pen-raised Bighorn sheep in the San Jacinto Mountains may have an adverse impact upon the existing herd.

Specifically, the City Council is concerned that capture and release of Bighorn sheep from the northern Santa Rosa Mountains or pen-raised sheep from the Bighorn Institute could have an adverse impact. These Bighorn sheep have exhibited behaviors such as using urban landscapes for forage and water and seem to have adjusted to more human contact and acceptance than the existing Bighorn sheep in the San Jacinto Mountains area. The existing San Jacinto ewe group avoids urban landscapes, avoids human contact, and seems to stay at higher elevations. Adding Bighorn sheep with different behavior patterns may jeopardize the existing ewe group. These impacts have not been adequately addressed in the Draft Environmental Impact Statement CDCA Plan Amendments, and Recovery Plan.

PC 156
PC 162
PC 096
PC 190
PC 200

*Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses*

Page 2 of 2

Exhibit A

September 04, 2002

City Council Comments and Recommendations on the California Desert Conservation Area Plan Amendments for the Coachella Valley and Draft Santa Rosa and San Jacinto Mountains Trails Management Plan.

TRAIL USE: The City Council expresses concern regarding the proposed Santa Rosa and San Jacinto Mountains Trails Management Plan in that there is insufficient information to support the proposed restrictions and seasonal trail closures over such a wide area. As proposed, trails providing access to 75% of Bighorn Sheep Critical Habitat are to be seasonally closed from January 15 – June 30. The City Council recommends that, prior to BLM approval of the Trails Plan, additional information relative to the need to seasonally close trails be provided for agency and public review.

The City Council supports the year-round trail use listed in Alternative B provided the Skyline Trail is added to the list. This trail provides the only access to the Palm Springs Aerial Tramway Mountain Station, is not heavily used, and may not have a potential negative effect on Bighorn sheep. At a minimum, this trail needs to be studied further and open several days per week in a manner similar to the Art Smith Trail.

Additionally, the City Council supports the approval of construction of new perimeter trails described in Alternative B. These trails would connect the North Lykken Trail to the Pacific Crest Trail at Snow Creek. This perimeter trail connection would be consistent with the City's General Plan and complete a perimeter trail program in the San Jacinto Mountains.

The City Council also supports the proposed perimeter trail alignment from Rimrock Shopping Center to and around Cathedral Canyon Cove provided it is not used as a reason to restrict access to existing trails in the future.

Based upon the need for additional information, the City Council reserves the right to provide additional comments regarding the Santa Rosa and San Jacinto Mountains Trails Management Plan during the Coachella Valley Multi-Species Habitat Conservation Plan review process.

In summary, the City Council commends the BLM in developing a range of trail alternatives. However, the City Council expresses concerns about the trail closures that are proposed and recommends that more specific environmental analysis be provided as part of the Coachella Valley Multi-Species Habitat Conservation Plan review process prior to BLM final approval of the Trails Plan.

NOISE (WIND ENERGY): The City Council recommends that the BLM utilize the City of Palm Springs' wind energy noise standards for wind energy projects developed within the City of Palm Springs. The subject documents need to be revised accordingly.

PC 079

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



IMPERIAL IRRIGATION DISTRICT

ENVIRONMENTAL COMPLIANCE SECTION • P.O. BOX 937 • IMPERIAL, CA 92251
TELEPHONE (760) 482-9832 • FAX (760) 482-9896

GS-ECS

August 29, 2002

James G. Kenna
Field Manager
Bureau of Land Management
Palm Springs - South Coast Field Office
690 W. Garnet Ave., P.O. Box 581260
North Palm Springs, CA 92258-1260

RECEIVED
BUREAU OF LAND MANAGEMENT
02 SEP -3 PM 5:04
PALM SPRINGS-SOUTH COAST
RESOURCE AREA

Subject: Imperial Irrigation District Response to the Draft California Desert Conservation Area (CDCA) Plan Amendment for the Coachella Valley, Draft Santa Rosa and San Jacinto Mountains Trails Management Plan, and Draft Environmental Impact Statement (EIS)

Dear Mr. Kenna:

The Environmental Compliance Section of the Imperial Irrigation District (District) has received one (1) copy of the above CDCA Plan and Draft EIS on July 17, 2002 for review. The District hereby provides these comments by the BLM's response deadline of September 5, 2002.

The District is very concerned that the District's existing north-south electrical transmission line was left out of the Electric Service discussion on Page 3-53. The District has an existing 230-kV transmission line passes through Imperial County and into Riverside County east of and roughly parallel to Highway-111. The District's north-south transmission facilities are critical District infrastructure to provide power for people living in the District's service area which includes all of the Imperial County and portions of Riverside County. We would like a specific clause and similar utility corridor treatment for maintenance/upgrades to our existing transmission lines in the proposed conservation areas.

Since the Draft CDCA Plan Amendment is not a combined Environmental Impact Statement/Environmental Impact Report (EIS/EIR), will the California Department of Fish and Game (CDFG) release a separate California Environmental Quality Act (CEQA) document? Without CEQA compliance, it is our understanding that the CDFG may not be in concurrence on compensation mitigation for species

Mr. James G. Kenna
Draft CDCA Plan Amendment/EIS
Page 2 of 2

included in the Draft CDCA Plan Amendment or with the Draft CDCA Plan Amendment itself.

Was an adaptive management strategy developed to provide flexibility to the Draft CDCA Plan Amendment? Was information used to develop the design of management goals published in a peer-reviewed format?

The Flat-tail Horned Lizard, *Phrynosoma macallii*, was listed in Table 3-6: Special status species in the Coachella Valley, as having a status of "SP". There is no description in the following key as to what "SP" stands for. Please clarify.

These comments are intended to assist you in the continued protection of District interests as well as the protection and enhancement of wildlife and habitat areas in the Draft CDCA Plan Amendment planning area. We look forward to working with the BLM and the other planning entities associated with the Draft CDCA Plan Amendment.

If you have any questions regarding existing District transmission facilities, please contract me at (760) 482-9833 or at vbradshaw@iid.com.

Sincerely,

Vikki Dee Bradshaw

VIKKI DEE BRADSHAW
Environmental Resources Specialist

Cc: Board of Directors
Jesse Silva, General Manager
John Steffen, Power Department Manager
Tom King, General Services Department Manager

PC
PC
PC
221
031217
033

PC
081

PC
082

PC
033

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



CALIFORNIA ASSOCIATION OF 4 WHEEL DRIVE CLUBS, INC.

NATURAL RESOURCES CONSULTANT

Jeri Ferguson
9835 Duncan Rd
Victorville, CA 92392
760-956-2783/Jeriferg@aol.com

Bureau of Land Management
Jim Kenna, Palm Springs Field Manager
P.O. Box 581260
North Palm Springs, Ca 92258

Re: Draft EIS for the Coachella Valley

9-5-02

Dear Jim,

The California Association of Four Wheel Drive Clubs (CA4WDC) was founded in 1959 for the purpose of preserving and enhancing opportunities for Four Wheel Drive Use, including the ability to traverse from the most difficult trail terrain to the easiest historical touring routes. CA4WDC has provided The Bureau of Land Management input on trail system development, land management issues and preservation efforts throughout the state. We have over 5,000 families, businesses and clubs that we represent.

We would like to thank the BLM planning staff for not considering the total closure of all motorized vehicle routes/areas in the Coachella Valley. Vehicle access and OHV play is an integral part of family life and being able to explore the desert is an excellent way to experience the vastness, history and beauty.

2.1.2 Goals Common to all Alternatives

3. Maintain a network of motorized vehicle routes necessary to meet recreational and other needs while minimizing affects to air quality and other resource values.

Coachella Valley ACEC

RECEIVED
BUREAU OF LAND MANAGEMENT
02 SEP -9 PM 3:52
PALM SPRINGS-SOUTH COAST
RESOURCE AREA

In 1995 19 miles of routes were closed though the Coachella Valley ACEC designation, with over 33 miles of hiking and equestrian trails to be maintained.

Willow Hole Edom Hill Preserve, Indian Avenue Preserve, Thousand Palms are all closed to vehicles and we could not find any type of mileage records of routes closed in those areas and could only find information that there is 15 miles of hiking trails in Thousand Palms and not mileage records for the other areas.

Big Morongo Canyon ACEC

Most of the area was closed to vehicles. During the ACEC planning of this area we had fought very hard for the roads that were left open and now to have them proposed closed is not acceptable. We do not support any road closures in this area. There are not any mileage records of the routes closed during the route designation in the ACEC or how many miles of hiking trails are maintained.

White Water Canyon.

Public access into the ACES is restricted to a single paved road from interstate 10. Access from the south to dirt roads is only allowed by permission by the trout farm. Entire canyon is accessible on foot. There are not any mileage records of routes closed in this area or mileage records of the hiking trails in this area.

Monument

1-11 Off road vehicle controls are in place for Dead Indian Canyon, Carrizo Canyon and Martinez Canyon. The Martinez Canyon proposal has been modified by the cherrystem designation for Santa Rosa Mountains Wilderness in the California Desert Protection Act of 1994. The project design for Guadalupe Canyon is completed and scheduled for implementation in 2002

Numerous Routes have been closed due to the Monument designation or past route closures. We cannot find the mileage records of routes closed, but we are sure there are many miles. We do know there is a very large hiking trail system in this area and not sure of the mileage.

Summary of Routes Closures

It would seem that with only 71 miles of routes left open in the Coachella Valley on BLM land that we don't need any more closures. There needs to be some type of equality here. There are hundreds of miles of hiking trails but not a single motorized trail system proposed or planned. There are many people who cannot hike and need their vehicles for access to see the beauty of this part of the desert. So we not only feel that more closure is unacceptable and that there should be a backcountry touring route system set up throughout the area.

Open Areas

PC 139
139 140 139
139 140 139

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

4. *Provide opportunities for Off-highway vehicle free-play in the Coachella Valley where compliance with the Clean Air Act, Clean Water Act, the Endangered Species Act and other environmental laws will be attained*

The cost of hiring law enforcement rangers to effectively enforce these closures should not have been mentioned. Vehicle access and OHV use are part of FLPMA and total closure of this recreation would not be maintaining FLPMA.

PC
121

We would like to see alternative A be the preferred alternative with the growing use of OHV's and the closures that are happening all over southern California there need there needs to be some legal places for people to ride their OHV's in the Coachella Valley. Alternatives C and D are totally unacceptable since OHV use gets criticized all the time for doing illegal actions. We need to have legal riding ground for people to recreate.

PC 130

Land Tenure

We would support the preferred Alternative if the purchase of the private lands in the proposed Open Areas would be address. When we propose open areas we need a plan to buy the private property so there are not issues with the landowners and OHV use. We do not need to be setting ourselves up for failure. Also the Open Area Criteria needs to be added to the Land Tenure: Acquisition Criteria.

PC 1
107 PC 129

Thank you for letting us comment on this planning process



Jeri Ferguson

CC: Kathleen Clarke, BLM Director
Congresswoman Mary Bono
Mike Pool, California State BLM Director
Linda Hansen, Desert District Manager, Acting
Dave Douglas, CA4WDC President
CA4WDC Board of Directors
OHV Leadership

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



Center for Biological Diversity

Protecting and restoring endangered species and wild places of North America and the Pacific through science, policy, education, citizen activism and environmental law.

CALIFORNIA WILDERNESS COALITION

Thursday, September 5, 2002

Jim Kenna, Field Office Manager
Bureau of Land Management, Palm Springs-South Coast Field Office
690 West Garnet Avenue, POB 581260
North Palm Springs CA 92258-1260
760.251.5499 fax

Jim,

Introduction

On behalf of the Center's over 7500 members in California and the nation, and the California Wilderness Coalition's over 3000 members, we submit the following comments with regard to the Draft Environmental Impact Statement (DEIS) for the Draft California Desert Conservation Area Plan Amendment for the Coachella Valley and the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan.

Generally speaking, The Center would like to see the Plan Amendment better emphasize the protection of native plants and wildlife as a paramount obligation. This responsibility is acknowledged in the DEIS, which includes "the recovery of federal and state listed species" and "avoid[ing] future listings of sensitive species" as two of BLM's management goals. In particular, it is particularly important that the Plan Amendment comply with legal requirements to protect the endangered Peninsular Ranges bighorn sheep. The sheep were listed as endangered by the federal government in 1998; a recovery plan was completed by the U.S. Fish and Wildlife Service in October 2000; and critical habitat was designated for the species in February 2001. However, the alternatives listed in the Plan Amendment have various severe shortcomings in terms of fulfilling the BLM's obligations to the sheep under these provisions.

The CDCA lawsuit stipulation provisions should be continued through this plan, at a minimum. Unfortunately and unacceptably, BLM seems intent on taking steps backward from this existing compromise agreement designed to aid endangered species recovery and reduce conflicts.

Additionally, we are concerned at BLM's arbitrary moving of big horn sheep lambing season from January 1 to January 15. This is inconsistent with the Sikes Act plan, Recovery plan and the scientific literature on the species. This is especially of concern because BLM compromises sheep recovery by jeopardizing the earliest born lambs, which have the highest survival rates. The plan provides no reasoning or substantiation for this apparently arbitrary and capricious modification to the lambing season dates. What is BLM's justification for cutting two weeks off the start of sheep lambing season?

Unless BLM corrects the flaws in this plan along the lines we suggest below, and complies with the Peninsular Ranges Bighorn Sheep recovery plan, it is highly likely the Center and other groups will be forced to seek relief in the federal courts. We believe that BLM's preferred alternative may jeopardize the survival of the Peninsular Ranges bighorn sheep.

RECEIVED
BUREAU OF LAND MANAGEMENT
02 SEP - 9 PM 3:52
PALM SPRINGS-SOUTH COAST
RESOURCE AREA

62022
PC 166
PC 173
PC 172
PC 171
PC 170
PC 169
PC 168
PC 167
PC 166
PC 165
PC 164
PC 163
PC 162
PC 161
PC 160
PC 159
PC 158
PC 157
PC 156
PC 155
PC 154
PC 153
PC 152
PC 151
PC 150
PC 149
PC 148
PC 147
PC 146
PC 145
PC 144
PC 143
PC 142
PC 141
PC 140
PC 139
PC 138
PC 137
PC 136
PC 135
PC 134
PC 133
PC 132
PC 131
PC 130
PC 129
PC 128
PC 127
PC 126
PC 125
PC 124
PC 123
PC 122
PC 121
PC 120
PC 119
PC 118
PC 117
PC 116
PC 115
PC 114
PC 113
PC 112
PC 111
PC 110
PC 109
PC 108
PC 107
PC 106
PC 105
PC 104
PC 103
PC 102
PC 101
PC 100
PC 99
PC 98
PC 97
PC 96
PC 95
PC 94
PC 93
PC 92
PC 91
PC 90
PC 89
PC 88
PC 87
PC 86
PC 85
PC 84
PC 83
PC 82
PC 81
PC 80
PC 79
PC 78
PC 77
PC 76
PC 75
PC 74
PC 73
PC 72
PC 71
PC 70
PC 69
PC 68
PC 67
PC 66
PC 65
PC 64
PC 63
PC 62
PC 61
PC 60
PC 59
PC 58
PC 57
PC 56
PC 55
PC 54
PC 53
PC 52
PC 51
PC 50
PC 49
PC 48
PC 47
PC 46
PC 45
PC 44
PC 43
PC 42
PC 41
PC 40
PC 39
PC 38
PC 37
PC 36
PC 35
PC 34
PC 33
PC 32
PC 31
PC 30
PC 29
PC 28
PC 27
PC 26
PC 25
PC 24
PC 23
PC 22
PC 21
PC 20
PC 19
PC 18
PC 17
PC 16
PC 15
PC 14
PC 13
PC 12
PC 11
PC 10
PC 9
PC 8
PC 7
PC 6
PC 5
PC 4
PC 3
PC 2
PC 1

Failure to retire the Whitewater Canyon livestock grazing allotment
Closure of the grazing allotment at Whitewater Canyon would become permanent *only* under Alternative C. This failure is unacceptable, especially considering the permit for the Whitewater allotment is owned by conservationists wishing to permanently retire it. BLM's failure to retire allotments such as Whitewater, where the permittee has requested it, will derail future "win-win" allotment buy-out proposals. Conducting further studies on the suitability of livestock grazing there, as stipulated by the preferred Alternative A, is superfluous. Ample scientific evidence already shows that grazing is incompatible with the protection of desert tortoise, arroyo toad, and other sensitive wildlife; with the health of riparian areas; and with the preservation of ecologically sensitive public lands in general. Livestock harm wildlife, tramples burrows, compacts soil, fouls streamside areas, and alters vegetational composition. Considering that Whitewater Canyon contains critical habitat for the federally listed arroyo toad, it is hard to see how grazing could possibly continue there without violating the Endangered Species Act. The Whitewater allotment must be permanently retired now.

No ORV's at Windy Point, no ORV open area or use of Dunn Road
The preferred alternative proposes an ORV open area at Drop 31, adjacent to existing wilderness. Illegal ORV trespass in to wilderness in this area is already a problem, and locating an open area here will only serve to make it much worse and harder to enforce. Drop 31 overlaps with established bighorn habitat and is a poor choice. The restrictions on ORV use under Alternative C are better. In addition to not designating Drop 31 as an open area, Alternative C provides the best range of route closures since it is the only alternative to even consider the contribution of ORV's to the severe air-pollution problems being experienced in the Coachella Valley.

In addition, contrary to the preferred alternative, the Dunn Road should be entirely closed to recreational ORV use. One of the goals of the bighorn recovery plan is to "manage road use to reduce or eliminate habitat fragmentation or interference with bighorn sheep resource use patterns" (2-25). The Dunn Road is an illegal road, established by trespass, which passes through important bighorn habitat. Even though the lower portion of the road is more important for bighorn than the upper part, implementing different (and clearly unenforceable) management schemes for the two sections will invite non-compliance and frustrate enforcement. Existing recreational use does *not* legitimate ongoing use, and BLM has not justified any need for reopening the road other than for emergency or government vehicles. BLM also fails to address the fact that the road may not be accessed from the north, except by illegal trespass across private lands.

We are unable to determine from the plan what BLM's intent is for ORV management in the Windy Point area. Clearly, all lands south of Hwy. 111 are closed to off-road travel by the act of congress which established the monument. Windy Point is also occupied habitat for the Coachella Valley fringe-toed lizard and should be kept closed, and aggressively enforced to end illegal ORV use in this part of the monument.

BLM's approach on the proposed ORV open area and Dunn Road, if not abandoned, will almost certainly land the agency back in court.

Failure to deal with wild horses and burros, cattle trespass in Palm Canyon
There is currently a herd of eight horses within Palm Canyon. The BLM acknowledges that these horses were illegally released freeze-branded horses, not wild horses under the legal definition, and that they are present within sensitive bighorn habitat. Yet it proposes (under the preferred Alternative B) to legitimate the horses' presence there through a land exchange with the Agua Caliente Band of Cahuilla Indians. It claims by spurious way of explanation that "there *may* be sentiments within the [tribe] to maintain these animals" (emphasis added).

PC 080

PC 111

PC 150

PC 134

PC 088

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

This is an unacceptable weakening of the BLM's responsibility towards the bighorn, particularly since one of the goals listed in the species recovery plan is to "reduce or eliminate wild horse populations from bighorn sheep habitat" and since wild horses have been found to prevent bighorn from coming to water holes (4-54). Alternative C, which would remove the animals, is the only suitable alternative.

PC 088

BLM also fails to adequately address the long-time problem of Bud Wellman's cattle frequently trespassing on public lands critical habitat far off the allotment in Palm Canyon. BLM must work closely with USFS to end this illegal use of public lands which threatens sheep recovery, and impound Wellman's cattle if they enter Palm Canyon.

PC 087

Failure to acknowledge Coral Reef Mountains sheep
Wildlife biologists acknowledge the presence of Peninsular Ranges bighorn sheep within this range of mountains bordering the Santa Rosa Mountains, yet the DEIS does not mention them and provides no management recommendations for the area. This would appear to be a serious omission.

PC 172

Mitigation and buffer zone failures
According to the bighorn recovery plan, the BLM should be using mitigation money to buy land in the urban-wilderness interface as a way of protecting important habitat for the sheep. This is critically important in areas like La Quinta, where real estate developments are being proposed right up to the base of the Santa Rosa Mountains. Over 18,000 acres of suitable bighorn habitat between Palm Springs and La Quinta has already been lost to urbanization and agriculture, according to the Fish and Wildlife Service. Yet there is no evidence of BLM having made the purchase of important tracts of land there a priority. Whatever plan is eventually adopted must do better in this regard.

PC 108

BLM's unsupportable socio-economic claims
With little to no justification, the BLM claims that Alternative C "would substantially restrict opportunities for future economic development of the BLM-managed lands" and goes on to support preferred Alternative B. Other than by not creating an ORV open area, it is unclear how Alternative C reduces anything but the short-term exploitation of land and natural resources. Elsewhere, the DEIS correctly argues that the "protection of land health through the implementation of the proposed Plan amendments will have positive long-term economic impacts." In its socioeconomic analysis, the BLM should consider more stringent conservation recommendations to be an economic benefit, not a cost.

PC 1 PC 204
PC 205

BLM's unsupportable Trails Management Plan
Recreational opportunities are important, and our members enjoy hiking and camping in the Coachella Valley area. But certain goals sometimes preclude others, e.g. "multiple use" is not always possible on every acre of public land. This principle is acknowledged by the BLM when it states that:

Rarely do a wide variety of public uses occur on the same parcel of BLM-managed public land due to land use and resource conflicts. Generally, the BLM will designate certain public lands for one suite of compatible use and designate other lands for a different suite of compatible uses (DEIS 3-1).

Yet the DEIS and proposed Trails Management Plan do not always adhere to this philosophy. To protect bighorn sheep, large contiguous tracts of land must remain off-limits, and access to them must be restricted during the first nine months of each year. But, while most of the TMP alternatives propose limited restrictions on hiking and camping, the plan fails to adequately close trails through bighorn critical habitat, thus creating a significant step back in sheep conservation from BLM's current agreement embodied by the CDCA lawsuit stipulation.

Alternative B, the preferred alternative, would retain a voluntary system of seasonal trail closures despite high levels of documented non-compliance with existing closures. Rates of non-compliance on the Art Smith trail, which passes through bighorn habitat, were often in the 40-50 percent range – and this figure omits numerous hikers who were not questioned or spotted by survey-takers. These are unacceptable levels of non-compliance, and should not provide the basis for the continuation of the current system.

The BLM proffers the excuse that enforcement resources are not sufficient to institute a more stringent closure system, but this is not a valid excuse for failing to meet its conservation responsibilities for the bighorn.

Alternative B would also permit the use of the Art Smith and Boo Hoff trails two days a week just before and after lambing season (Jan. 15 to Feb. 15; May 1 to June 30). This is a compromise solution that will do little for the species while spurring further non-compliance. It cannot possibly meet the BLM's obligations under the species recovery plan. Considering that the BLM's monitoring to date has not prevented non-compliance rates from remaining so high, how will they possibly control such a system?

Finally, the TMP declares that there is scientific uncertainty over the cumulative effects of human recreation on bighorn populations. Considering that nine of the eleven studies cited concur that there is indeed negative impact, this is a peculiar interpretation. CDFG justified the closure of trespass trails on state lands in 2001 based on some of the same literature (see attached memo). Indeed, all 11 of the studies find negative impacts to sheep from improperly managed or ill-timed human recreation.

Conclusion: Make needed changes, or we'll likely see you back in court.
For the reasons listed above, the DEIS does fall far short of complying with the recovery plan for the Peninsular bighorn sheep and the Endangered Species Act; nor does it provide a sufficient range of alternatives under NEPA. However, Alternative C is the best of the four alternatives offered. It creates 23,631 acres of Areas of Critical Environmental Concern (ACECs), more than any other alternative. And it institutes considerable restrictions on grazing and ORV use, which are essential to safeguard biological diversity and visitor experience within the monument.

PC 166
PC 173

Only Alternative C (with the significant modifications detailed above) would adequately protect ecological resources within the planning area, and more specifically move the BLM towards compliance with the recovery plan for the Peninsular bighorn sheep, a plan to which it is a legally bound signatory.

PC 166
PC 173

We'd much prefer to support BLM on a solid conservation plan for the Coachella Valley, unfortunately what BLM currently offers as its preferred alternative is fully unsupportable.

We sincerely hope BLM will take these comments seriously and follow our suggestions, otherwise we will likely be seeing BLM again in court soon to correct the serious flaws in this plan. Please keep us fully informed as this process evolves.

We welcome the opportunity to meet in Palm Springs with the State Director, District Manager, Field Office Manager, USFWS and CDFG to sincerely attempt to resolve our concerns. Please let us know if you are interested in such a meeting so we may schedule it at the earliest mutually convenient time.

Thank you,

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Daniel R. Patterson
Desert Ecologist

/s/Brendan Cummings
CBD Staff Attorney

/s/Jonathan Cook
CBD Desert Conservation Intern

/s/Jason Swartz
Conservation Associate
California Wilderness Coalition
2655 Portage Bay East, Suite 5
Davis CA 95616

cc: Mike Pool, BLM California State Director
USFWS
CDFG

CENTER FOR BIOLOGICAL DIVERSITY
Tucson • Idyllwild • Silver City • Phoenix • Berkeley • Bozeman • San Diego • Sitka

DANIEL R. PATTERSON, DESERT ECOLOGIST
POB 493 IDYLLWILD CALIFORNIA 92549
909.659.6053 x 306 TEL / 659.2484 FAX
DPATTERSON@BIOLOGICALDIVERSITY.ORG • WWW.BIOLOGICALDIVERSITY.ORG

State of California

The Resources Agency

Memorandum

To : Dee Sudduth
California Department of Fish and Game

Date: December 28, 2001

From : Department of Fish and Game - Kevin Barry Brennan

Subject: Emergency Closure of Carrizo Canyon and Magnesia Springs Ecological Reserves
and the Gate to the Art Smith trailhead parking lot from January 1 to June 30, 2002

Dead Indian Canyon and Carrizo Canyon previously supported a large sub-population, or deme, of peninsular bighorn sheep in the Northern Santa Rosa Mountains. This area once supported up to 30 animals but appears to have been extirpated in the 1980's. The area was recently re-colonized and now supports at least three ewes and 4 rams and a yearling ram.

Carrizo Canyon and Magnesia Springs Ecological Reserves are located in this portion of the species range. These Ecological Reserves were acquired by the State to provide protection for peninsular bighorn sheep, a federally endangered and state-listed threatened species. This same area was also established by the Department as the Santa Rosa Mountains Wildlife Area. This designation was recognized in the, "Santa Rosa Mountains Habitat Management Plan, a Sikes Act Project" (1980). This plan provided management goals and objectives for Department, and Bureau of Land Management, administered lands in the Santa Rosa Mountains. The Wildlife Area was to be managed for the *primary* benefit of bighorn sheep.

Two unauthorized trails trespass across lambing habitat on the Ecological Reserves and Wildlife Areas. Construction of these trails has occurred without the benefit of environmental review or the necessary state and federal approvals. The Art Smith Trailhead parking lot was also constructed on Department lands without authorization. There are not any records that would support the authorization of these trails and parking lot or their use; consistent with state law, regulation or policy. The department had previously committed to resolving these trespass issues within the plan in 1980 but little if any progress has been made.

These trespass trails have been listed in the recovery plan as trails that require management to reduce human impacts on bighorn sheep near water sources and during lambing season. Studies have shown (see additional comments enclosed) that human activities can disrupt normal behaviors of bighorn sheep and cause habitat abandonment. This position was supported in a letter dated Nov 20, 2001 from the Service to the Department. I concur with the Service on this issue and support the seasonal closure of Carrizo Canyon and Magnesia Spring Ecological Reserves from January 1 to June 30, for the protection of peninsular bighorn sheep during lambing season (see enclosures).

DBB

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Additional Comments on the Justification for Emergency Closures
of State Ecological Reserves and Wildlife Areas
for the Protection of Peninsular Bighorn Sheep

In 1974 the California Department of Fish & Game (Department) provided a population estimate of 1,171 bighorn sheep, in the peninsular ranges of California (Weaver 1975). The Santa Rosa Mountains once had the largest population of bighorn sheep in the state (Weaver and Mensch 1970). Carrizo Canyon and Dead Indian Canyon supported a large portion of the Santa Rosa Mountains population (Blong and Pollard 1968) and ewes and lambs were readily observed along the canyon walls up until the early 1980's (DeForge pers. comm). During the 1950's and 60's, naturalists and biologist warned of impending threats to the bighorns continued existence from real estate development, water diversions and human use (Tevis 1959, Blong 1967). In 1977 Department Wildlife Biologist Vern Bleich, commented on an illegally constructed trail trespassing upon state and federal lands in Dead Indian and Carrizo Canyons. This trail is now known as the Art Smith Trail. The Department and Bureau of Land Management subsequently agreed to resolve all know trespass issues, including trails, in the Santa Rosa Mountains Wildlife Habitat Management Plan, a Sikes Act Project (Sikes Act Plan) (USDI 1980).

Peninsular bighorn sheep populations began to decline in the early 1980's. This decline followed years of poor lamb recruitment and survival in the San Jacinto and Santa Rosa Mountains (DeForge et al 1982). Only 400 animals remained in the peninsular ranges by 1992, the year the United States Fish & Wildlife Service (Service) proposed listing the species as endangered (USFWS 1992). The population reached a low point in 1996 of just 276 animals in the entire peninsular range. In March of 1998 bighorn sheep populations in the peninsular ranges were listed as an endangered species. Listing was warranted due to the continued decline of the species and the synergistic effect of development, disease, predation and recreation (USFWS 2000)

Bighorn sheep are often described as a wilderness species because populations do not persist well next to urban areas (Leopold 1933). Bighorn sheep population in the Sandia Mountains near Albuquerque, New Mexico and the Santa Catalina Mountains near Tucson, Arizona both became extirpated following years of anthropogenic disturbances (Etchberger et. Al 1989, Krausman et al 1989, Krausman 1993, Krausman et al 1995 Krausman et al 2000). Contributing to their demise were real estate developments in sheep habitat (Krausman 1993) and subsequent increases in recreational use of sheep habitat by hikers and dog walkers (Schoenecker 1997).

In California, bighorn sheep within the Santa Rosa Mountains abandoned habitat around springs as a result of continued human disturbance and harassment (Blong 1967) and abandoned a lambing and watering area following a period of human activity (DeForge and Scott 1982). In the San Bernardino Mountains of California, bighorn sheep abandoned suitable habitat and remained out of sight of ski areas, developments and other human activities (Light and Weaver 1973). Human activities cause bighorn sheep to temporarily abandon a mineral lick in the San Gabriel mountains of California (Hamilton et al 1982). Habitat abandoned by bighorn sheep in the Santa Catalina Mountains of Arizona, was observed to have greater human disturbance than occupied habitat (Etchberger et al 1989). Bighorn sheep have generally not shown resilience to interactions with humans in their habitat (King and Workman 1986).

A number of studies have described the negative effects of human disturbance on normal behaviors of desert bighorn in the Southwest. In Southeastern Utah, researchers observed that

bighorn inhabiting areas with a history of human activity were more sensitive to disturbance than bighorn sheep in undisturbed areas (King and Workman 1986). Bighorn sheep reactions to the presence of humans resulted in the disruption of normal feeding behaviors, and ewes with 2 week old lambs were observed running several miles to avoid people (King and Workman 1986).

Bighorn sheep in Arizona were observed to be intolerant of hikers within 200 m of their position and exhibited greater flight response the closer the proximity to disturbances (Miller and Smith 1985). In Canyon Lands National Park, bighorn sheep responses were most severe to hikers during the spring months (Papouchis 1999). These disruptions caused habitat abandonment that resulted in an approximate 15% loss of available habitat. Researchers recommended that lambing habitat should be closed to all hiking during lambing season and trails should not be constructed in lambing habitat (Papouchis 1999).

What we have been able to ascertain from these studies is that bighorn sheep alter their behavior in response to human disturbance (USFWS 2000). These disturbances have resulted in extirpations, habitat abandonment and disruption of normal, breeding, feeding and sheltering behaviors. This range abandonment, and curtailed use of habitat from harassing activities represents a functional loss of habitat; reducing the amount of forage, water and living space available for recruitment and recovery of bighorn sheep. Ongoing research is studying the effects of recreational activities on bighorn sheep populations in the San Jacinto and Santa Rosa Mountains. In the interim, we do not have examples of human activities having neutral effects on bighorn sheep to base our management decision upon, or information that would support continuing trespass on Department lands managed for the benefit of bighorn sheep.

The Department has never authorized or designated the construction of trails on State Ecological Reserves or Wildlife Areas in the Santa Rosa Mountains. The Bureau of Land Management (Bureau) never received authorization from the State to construct the Art Smith trail and trailhead on Carrizo Canyon Ecological Reserve. Within the Sikes Act Plan (USDI 1980), vehicle entry was also prohibited along the entire length of both Dead Indian and Carrizo Canyons where the parking lot is located. The Bureau did not properly coordinate or consult with the Service and Department regarding this trespass and has displayed a history of willful intent to evade this issue. Examples include:

In an internal memo, Bureau realty agent, William M. Selman, encouraged Bureau management staff not to consult with State wildlife biologists on the construction of the Art Smith trailhead parking lot.

A wildlife biologist for the Bureau, Gavin Wright, admitted in an e-mail message, dated February 18, 2000, that the Bureau violated the Endangered Species Act when it failed to consult with the United States Fish & Wildlife Service on the construction of the Art Smith trail head and parking lot.

In March of 2000 a Bureau employee vandalized a Department lock and chain on a gate at Carrizo Canyon Ecological Reserve to provide recreationists parking access.

Most recently, the Bureau's Area Manager for the Palm Springs office issued a decision notice and Environmental Assessment for the continued use of the Art Smith trailhead without providing the opportunity for public comment or consulting with the Service and Department.

*Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses*

This lack of consultation and coordination by the Bureau was noted in Service comment letter of February 7, 2001. As a result of these activities, an appeal has been filed by PEER against the Bureau. Legal action is now pending absent a response to this appeal.

On March 1, 2001 the Bureau supported the closure of the Art Smith trailhead in a signed Settlement Agreement, and any position to the contrary would represent a contemptuous action on the Bureau's part. As a matter of law, regulation and policy, the Department and Service has supported the closure and management of the Art Smith trail and parking lot. Caltrans has already posted "no parking" and "emergency parking only" signs outside of the parking lot and along highway 74 to relieve any concerns regarding traffic safety at this location. We must now follow up on our previous commitments and management responsibilities to close these areas to public access for the recovery of peninsular bighorn sheep.

The Department's authority and responsibility to properly manage endangered species and State Ecological Reserves are elucidated within the Fish and Game Code and the California Code of Regulations, Title 14. The Department has the jurisdictional responsibility to manage habitat for biologically sustainable populations of wildlife (Fish & Game Code, Sec. 1802). It is also the policy of the State to conserve and protect endangered species and their habitats and to acquire lands for habitat of endangered species (Fish & Game Code, Sec. 2052).

The Fish & Game Commission (Commission) has established the following policy on endangered species:

ENDANGERED AND THREATENED SPECIES: It is the policy of the Fish & Game Commission to: Protect and preserve all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates and plants and their habitats, threatened with extinction; or those experiencing a significant decline which, if not halted, would lead to threatened or endangered designation. The Department will work with all interested persons, agencies, and organizations to protect and preserve such sensitive resources and their habitats.

The Commission's policy regarding department lands is:

MULTIPLE USE OF LANDS ADMINISTERED BY THE DEPARTMENT OF FISH AND GAME : It is the policy of the Fish and Game Commission that: Lands under the administration of the Department be made available to the public for fishing, hunting or other forms of compatible recreational use and for scientific studies whenever such uses will not [emphasis added] unduly interfere with the primary purpose for which such lands were acquired.

Ecological Reserves were acquired for the protection of threatened and endangered species and public use of Ecological Reserves is to be compatible with the primary purpose of such reserves (California Code of Regulations, Title 14, Section 630). It is unlawful to enter upon Ecological Reserves except in accordance with commission regulations (Fish & Game Code, Sec. 1583). The Fish and Game Commission has granted the Department discretionary authority to control access on Ecological Reserves and Wildlife Areas [Title 14, Sec. 630 (a) (1)(10) and Sec., 550 (b)(1)(2)].

The Department had previously committed to resolving trespass trails in the Sikes Act Plan. The Department also agreed to recovery actions that seasonally limited trail use in sensitive habitat areas in the Recovery Plan. There has been a history of bighorn sheep populations declining

following increased human use of sheep habitat in situations similar to the one we are now facing in the San Jacinto and Santa Rosa Mountains. Despite early warnings and cautionary notes from wildlife biologists, a management response has not been realized as the decision has been deferred for decades. The Department made a commitment to the U.S. Fish and Wildlife Service to pursue the necessary authority to close the Art Smith trailhead and parking lot and we now know that we possess that authority. Given the well established policies and mandates the appropriate response by the Department should be to seasonally close the Ecological Reserves and Wildlife Areas. We know what the right thing to do is – now we just have to do it.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Literature Cited

- Blong, B.. 1967. Desert bighorn and people in the Santa Rosa Mountains. *The Wildlife Society Transactions. California -Nevada Section*. Pages 66-70.
- Blong, B. and W. Pollard 1968. Summer water requirements of desert bighorn in the Santa Rosa Mountains, California, in 1965. *California Fish and Game* 54:289-296.
- DeForge J. R., D. A. Jesup, C. W. Jenner, and J. E. Scott. 1982. Disease investigations into high lamb mortality of desert bighorn in the Santa Rosa Mountains, California. *Desert Bighorn Council Transactions* 26:76-81.
- DeForge J.R., and J. E. Scott. 1982. Ecological investigations into high lamb mortality. *Desert Bighorn Council Transactions* 26:65-76.
- Etchberger, R. C., P. R. Krausman and R. Mazaika. 1989. Mountain sheep habitat characteristics in the Pusch Ridge Wilderness, Arizona. *Journal of Wildlife Management* 53: 902-907
- Hamilton, K., S. A. Holl, C. L. Douglas. 1982. An evaluation of the effects of recreational activity on bighorn sheep in the San Gabriel Mountains, California. *Desert Bighorn Council Transactions* 26:65-76.
- King M. M. and G. W. Workman. 1986. Response of desert bighorn sheep to human harassment: management implications. Trans. 51st North American Wildlife and Natural Resource Conference. Pages 74-85.
- Krausman P. R., B. D. Leopold and S. G. Torres. 1989. Relationships between desert bighorn sheep and habitat in western Arizona. *Wildlife Monograph* 102:1-66.
- Krausman P. R. 1993. Exit of the last wild mountain sheep. Pages 242-250 in *Counting sheep: 20 ways of seeing desert bighorn*. G. P. Nabhan, ed. The University of Arizona Press, Tucson. 261pp..
- Krausman P. R., W. W. Shaw, R. C. Etchberger and L. K. Harris. 1995. The decline of bighorn sheep in the Santa Catalina Mountains, Arizona. Pages 245-250 in *Biodiversity and management of the Madrean archipelago: the sky islands of the southwestern United States and northwestern Mexico*. DeBono L. F., P. F. Ffolliott, A. Ortega-Rubio, G. J. Gottfried, R. H. Hamre, tech. coords. September 19-23 1994; Tucson, Arizona. General Technical Report RM-GTR-264. United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, Fort Collins, Colorado. 669 pp..
- Krausman P. R., W. C. Dunn, L. K. Harris, W. W. Shaw, and W. M. Boyce. 2000. Can Mountain sheep and humans coexist? In press. *Southwestern Naturalist*.
- Leopold, A.. 1933. Game management. Charles Scribner's Sons, New York, N.Y..
- Light, J. T. and R. Weaver. 1973. Report on bighorn sheep habitat study in the area for which an application was made to expand the Mt. Baldy winter sports facility. U. S. Forest Service, Cajon Ranger District, San Bernardino National Forest. 39 pp..
- Miller G. D. and E. L. Smith. 1985. Human Activity in bighorn habitat: what disturbs Sheep? *Desert Bighorn Council Transactions* 1985:4-7.
- Papouchis C. M., F. J. Singer, and W. Sloan. 1999. Effects of increasing recreational activity on desert bighorn sheep in Canyonlands National Park, Utah. Pages 364-391 in: Singer, F. J., and M. A. Gudorf. Restoration of bighorn sheep metapopulations in and near 15 national parks: conservation of severely fragmented species. USGS Open File Report 99-102, Midcontinent Ecological Science Center, Fort Collins, CO.
- Schoenecker, K. A. 1997. Human disturbance in bighorn sheep habitat, Pusch Ridge Wilderness, Arizona. M. S. Thesis. University of Arizona, Tucson. 41 pp..
- Tevis, L. Jr. 1959. Man's effect on bighorn in the San Jacinto-Santa Rosa Mountains. *Desert Bighorn Council Transactions* 3:69-76.
- USDI, Bureau of Land Management. 1980. Santa Rosa Mountains Wildlife Habitat Management Plan, a Sikes Act project. Prepared by BLM and California Department of Fish & Game.
- U.S. Fish & Wildlife Service. 1992. Endangered and Threatened Wildlife and Plants; proposed rule to list the Peninsular Ranges population of the desert bighorn sheep as endangered. Federal Register 57(90):19837-19843.
- U.S. Fish & Wildlife Service. 2000. Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California. Region I, USFWS, Ecological Services, Portland, Oregon. 251 pp..
- Weaver R. 1975. Status of the bighorn sheep in California. Pages 58-64 in *The Wild Sheep in Modern America*. J. B. Trefethen, ed. Boone and Crockett Club. Alexandria, Virginia.
- Weaver R. and J. L. Mensch. 1970. Bighorn sheep in southern Riverside County. California Department of Fish & Game, Wildlife Management Administration Report No. 70-5. 36pp..

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

DESERT RIDERS

THE PIONEER RIDING CLUB OF PALM SPRINGS
FOUNDED 1930
POST OFFICE BOX 4063 PALM SPRINGS CALIFORNIA 92263

September 3, 2002

James G. Kenna
Field Manager
Bureau of Land Management, Palm Springs-South Coast Field Office
United States Department of the Interior
690 West Garnet Avenue
P.O. Box 581260
North Palm Springs, California 92258-1260

Re: 1610P CA660.21, Draft Environmental Impact Statement Comments,
Replaces August 30, 2002 Comments.

Dear Manager Kenna:

On behalf of the Desert Riders approximately 120 person membership and the Desert Riders Trails Fund, Inc., we make the following comments regarding the Draft Environmental Impact Statement for the Draft California Desert Conservation Area Plan Amendment for the Coachella Valley and the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan, dated June 2002.

Desert Riders

Desert Riders is a horse trail riding club that was organized in Palm Springs in 1930. Palm Springs then had a population of 1,040 and residents simply referred to it as "the village". By 1932 Desert Riders began to construct, maintain and improve trails in the Santa Rosa and San Jacinto Mountains. Tens of thousands of volunteer hours from Desert Rider members and hundreds of thousands of dollars of Desert Riders funds have been used to construct, improve and maintain the trails in the Santa Rosa and San Jacinto Mountains since 1932. This year, a number of the major trails are in disrepair and suffering from erosion because BLM has not allowed Desert Riders access to perform their annual maintenance.

Existing Land Use

Desert Rider regular use of the trails in the Santa Rosa and San Jacinto Mountains, as well as the construction, improvements and maintenance to trails preceded the Taylor Grazing

DON ABEL
Roundup Boss

LILO KLEIN
Straw Boss

BARBARA ADY
Buck Boss

PATTY WHITE
Top Wrangler

JAKE FLOWERS
HARVEY HOLTZ
Ride Bosses

CHARLOTTE BIRKLE
Chuck Wagon Boss

Directors
BILL CORBETT
CAROLE GANS
BILL HILLMAN
KC JOHNSON
JOHN SCHOETTLER
CATHY WEISSMAN
CLARA BURGESS
(Emeritus)

James G. Kenna
August 30, 2002
Page 2

Act of 1934. Those regular activities also preceded formation of the BLM in 1946. For over 70 years, thousands of tourists, boy and girl scouts, hikers and riders have safely enjoyed their public lands on trails financed, constructed, and maintained by Desert Riders. Forest Service personnel have used the trails for fire control and the County Sheriff for rescues and patrol. Desert Riders have earned consideration for their regular contributions to the public good. BLM has not required Desert Riders to have a permit in the past. However, that does not mean that Desert Rider annual rides of over twenty-five people and establishment of public right-of-ways does has not become a grand fathered right.

Affected Environment - 3.9 Cultural Resources

Pursuant to Section 110 of the National Historic Preservation Act, BLM is required to identify and preserve historic properties. Historic Properties are those cultural resources which are found to be eligible for listing on the National Register of Historic Places. Historic properties include trails. You have received testimony perpetuated by court order to this effect and Desert Riders is willing and able to provide documentation of historical use of this resource.

The trails constructed, improved and maintained by Desert Riders are culturally significant to the settlement of the desert, to the Native American Cahuilla, and to the era in which Palm Springs was a mecca for cowboys and movie stars. A substantial number of trails on BLM managed lands carry the names of Desert Rider members (i.e. Art Smith, Boo Hoff, Lykken, Shannon, etc.). A number of published books recount the value of the Desert Rider trails. At least one book, "Favorite Trails of Desert Riders", approximately 240 pages in length, describes the trail locations, the history, the value of the trails to desert history, and cultural value to the Native American Cahuilla culture. Historical districts have been designated on less. Desert Riders contends that the trails are eligible for listing on the National Historic Register and should be preserved according to federal law.

Affected Environment - Desert Riders Trails Fund, Inc. Property off of Dunn Road

Desert Riders Trails Fund, Inc. owns property in the Santa Rosa Mountains located off of the Dunn Road. The property has been designated Critical Habitat for Bighorn Sheep. Desert Riders, like many other stakeholders, were adversely affected by BLM's settlement of the Center for Biological Diversity where BLM willingly closed Dunn Road and fostered the way for servient easement holders on Dunn Road to deny access to privately held easements. BLM neither consulted with stakeholders nor with property owners. BLM's secret settlement severely limited Desert Riders ability to access its property freely. BLM should diligently pursue reopening Dunn Road both for property owners and for limited use by visitors to the Santa Rosa/San Jacinto Mountain National Monument. The Chairman of the Trails and Access Committee for the Monument supports paving the Dunn Road for visitor access to the Monument. Desert Riders supports that proposal.

PC 061

PC 162
PC 163

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

James G. Kenna
August 30, 2002
Page 3

Planning Criteria - Revised Statute 2477 (R.S. 2477) 43 U.S.C. Section 932:

On April 2, 2002 the Riverside Board of Supervisors adopted Resolution 2002-118 stating that the County and the public have acquired right-of-ways pursuant to R.S. 2477 in those certain ways provided by California State and Federal law. Although repealed by the Federal Land Policy and Management Act of 1976 ("FLPMA"), existing rights of way are exempt from repeal. Many of the trails proposed for closure are public right-of-ways established by Desert Riders existed on federal public land "not reserved for public uses" prior to 1976. All trails on the attached list except the Victor Trail, Hahn Trail, Bud Furer Trail and Clara Burgess Trail, were constructed or improved and maintained prior to enactment of the ESA.

The Collaborative Planning Process

BLM has lauded it's inclusion of stakeholders in the public process. However, to assure real public participation, BLM must look at the process implemented by the USFWS Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California because it is that recovery plan and designation of "Critical Habitat" for sheep that is the justification for trail closures and limiting access to the Santa Rosa and San Jacinto Mountains. Contrary to USFWS policy for adopting recovery plans (Federal Register, Volume 59, page 34272, July 1, 1994) Desert Riders was not identified as a stakeholder and consulted during the sheep recovery plan process. Desert Riders both owned property in the area designated "Critical Habitat" and since 1932, constructed, improved and maintained the majority of significant trail right-of-ways in the Santa Rosa and San Jacinto Mountains. This 70 year history of consistent construction, financing, and use of trails in the Peninsular Ranges makes Desert Riders substantial stakeholder in the public planning process.

In addition, Desert Riders, because of their regular use of the back-country trails since 1930 has valuable information about the historic prevalence and behavior of sheep that predate Dick Weaver. The failure to identify Desert Riders as a stakeholder and include them in consultation left the Peninsular Bighorn Sheep Recovery Team and Plan deficient.

Collaborative Process 5.5 Trails Plan Alternatives

BLM's primary justification for closing trails stems from the sheep recovery plan and the Center for Biological Diversity/Sierra Club lawsuit and settlement agreement. The Trails Plan "Alternative B" merely adopts the recovery plan recommendations. As here, Desert Riders is not truly a participant in the process, we are simply allowed to make comments to which BLM's only duty is to respond.

The "Alternatives" for the Trails Plan posited by BLM, are less alternatives than degrees of restrictiveness applied to the same proposition. There are no creative alternatives that would achieve the same goals. One such alternative would be to confine foot and equestrian travel to

James G. Kenna
August 30, 2002
Page 4

trails with no trail use between sunrise and sunset. This alternative allows trail use and periods of non-use permits full use of the habitat by sheep, which according to the Recovery Plan and published scientific literature are diurnal. Sheep can predict when there will people present and where they will be present in the 844,897 acres currently designated as Critical Habitat. That and other alternatives were never considered. To ensure their compliance with the National Environmental Policy Act of 1969, BLM must take a critical look at its narrow development of "Alternatives" which offer no real options. Genuine compliance with NEPA would have provided a broader range of trail use alternatives.

BLM Biologist

It is BLM's duty as a multi-resource manager to review the integrity of the science set forth by USFWS for limiting multiple uses. BLM has made strides towards overseeing USFWS advocacies by hiring their own Bighorn Sheep Biologist, Rachelle Lorton-Huddleston. She has made monumental efforts to bring science objectivity into the sheep recovery. She can be commended for acknowledging evidence that local sheep can and do habituate to human activity. There are any number of biologists representing the state and federal governments that not acknowledge that ewes bringing their lambs down in desert neighborhoods to drink and eat foreign vegetation is behavior indicating that these desert bighorn sheep can and do habituate to humans. Most importantly, Rachelle does not discount the potential effects of her own research activities, which are forms of human disturbances, on sheep.

Rachelle's intellectual honesty is in stark contrast to other biologists findings in the sheep Recovery Plan that states that collaring, breeding in captivity, stalking, pursuing, and capturing sheep do not have a negative impact, USFWS Recovery Plan, page 40. The published literature has clearly revealed the deleterious effects of helicopter surveys in two ways: First, experimentally, Bleich et al. (1994) showed abandonment of areas during helicopter surveys and that "mountain sheep" did not habituate or become sensitized to repeated helicopter flight. Second, Martucci et al. (1992) demonstrated "severe metabolic acidosis due to helicopter supported capture and manual restraint during blood sampling". This has led to cases of capture myopathy, a permanently debilitation condition. Fatalities resulting from helicopter capture are approximately 1-2% of the captured animals. This is clearly "take" under the ESA. If trail use with no clearly demonstrated deleterious effect is subject to temporary or permanent closures, then both helicopter surveys and capture on BLM land should be banned until these sheep are no longer endangered.

Trails Plan Alternatives - Interpretation of Science

There are fundamental problems with the science supporting BLM actions. BLM continues to misconstrue studies by, among others, MacArthur et al. (1979 and 1982), Papouchis et al. (2000) and Krausman et al. (2000) cited for propositions regarding human interactions with sheep. For example, MacArthur et al. (1979) found using experimental disturbance that "in most

PC 148

PC 192

PC 197

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

James G. Kenna
August 30, 2002
Page 5

trials with or without a leashed dog, heart rate responses were not detected until a person was within 50 meters of a ewe." Yet this citation is used in support of a generalized statement about bighorn sheep exhibiting elevated heart rates and demonstrating adverse reactions to humans. Although the Draft EIS acknowledges cardiac responses at a distance of 50-100 meters, the perception the Draft EIS perpetuates is that any human activity in sheep habitat will have a deleterious effect on sheep no matter what the distance. Desert Riders has asked bighorn sheep specialist Dr. Rob Roy Ramey II to prepare an analysis of human disturbance literature an analysis of which will be provided to you and CVAG prior to adoption of the trails plan. This analysis will detail the scientific inference used in each cited paper.

First, it appears that all alleged scientific information receives the same weight and credibility. In reference to the above-mentioned research, it is important to distinguish opinion and correlative studies from experimental studies that have been conducted to potentially disprove a hypothesis. Few of the studies fit into is latter "experimental" category of strong scientific inference. Krausman's approach is primarily correlative and secondly, opinion, yet correlation is not equal to causality and opinion is not science unless alternative hypotheses are articulated, as are the criteria for refutation. Krausman et al. (2000) does not fit the criteria of scientific study. It is opinion and interpretation without hypothesis testing. Indeed populations of desert bighorn sheep have disappeared simultaneously with population growth. Importantly, there are also populations of desert bighorn sheep that disappeared where no urbanization has occurred.

Second, when a researcher purposefully creates a "stressful" situation to cause a reaction, the outcome must be considered in the context of the artificial nature of the situation. This has important implications to the meaning of MacArthur and Papouchis sheep studies. Both researchers intentionally tried to obtain a reaction from sheep and did by directly approaching sheep. Papouchis did find that sheep grazed away from regularly used roads, but not that it created stress on sheep and there was no demonstrated population level effects on fitness. As sheep have demonstrated in Rancho Mirage, sheep will co-mingle with people and, occasionally, dogs to obtain food and water.

Personal Communications in Lieu of Science

Although not directly acknowledged in the Draft, personal communications supplied a significant amount of scientific justification for the sheep recovery plan, designation of Critical Habitat and trail closures. These alleged scientific citations perpetuate a mythology that human disturbance occurs and is deleterious even if humans undertake benign recreation activities in bighorn habitat. This mythology is not science and must be winnowed from the Draft EIS.

Researcher Activities are Human Disturbance

The Draft states that certain recreational human interactions are stressful to sheep

PC 178

PC 179

James G. Kenna
August 30, 2002
Page 6

sufficient to "...suggest the possibility of contribution to population level effects.", Page 1-4 Draft EIS. The wording itself describes the tenuousness of the link between recreational activities and effect on sheep. Both USFWS and BLM are stretching to find even a scintilla of evidence to link on-trail recreational use and either sheep demise or sheep recovery. The peer-reviewed experimental literature demonstrates only a narrow corridor of potential physiologic or behavioral effect if people leave trails to approach nearby bighorn sheep (50 meters). There is no evidence to date, either direct or indirect to support sheep population level effects by on-trail use. Such an assertion is pseudoscientific and is in the realm of "belief" without experimental evidence.

If indeed the BLM chooses to accept the USFWS's selective review of scientific literature and "human disturbance" bias, BLM must look at researcher activity anew and make a determination as to whether that researcher activity is similar to another type of human activity being restricted or prohibited. One classic example is that "foot surveys are not typically considered a risky research activity..." especially if researchers remain lower than the sheep, do not surprise the sheep by appearing suddenly, and water sources are avoided (USFWS Recovery Plan Appendix D, page 197). This research off-trail activity is precisely the activity Papouchis et. al. (2000) studied and cited as causing stress to sheep, yet this activity is allowed while benign on-trail use is restricted or prohibited. There is a disconnection in the logical thinking here by both USFWS and BLM.

Additionally, numerous other highly stressful, activities associated with pursuit and capture are thought to have "no negative impacts", USFWS Recovery Plan, page 40. In order to rehabilitate public confidence in the proposed actions, BLM needs to devote a section of the EIS to researcher activities, gather the scientific studies point out where science is lacking and apply the same standards of evaluation to both recreational and invasive research activities. Without these same standards being applied, not only is NEPA being violated but equal protection of all persons under the law.

Science Missing From the EIS and Recovery Plan

A more ominous environmental change is upon both bighorn sheep and humans caused by global climate change. Both the Draft EIS and Recovery Plan ignore this very real threat to bighorn sheep recovery in the Peninsular Ranges. The Recovery Plan made no mention of geochemical change in the environment and its effects of bighorn nutrition. Both of these environmental changes are very real "emerging environmental threats" that have scientific evidence to support them, yet these documents implicitly assume a static, unchanging view of the "natural world". For both BLM and USFWS not to consider management action within the context of these very real environmental changes is both negligent and a violation of NEPA.

Conclusion

PC 196

PC 199

PC 181

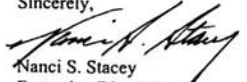
Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

James G. Kenna
August 30, 2002
Page 7

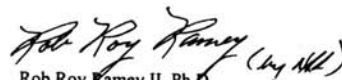
The trails in the Santa Rosa and San Jacinto Mountains have significant cultural value to the Native American Cahuilla culture and to the history of the Desert Cities, particularly Palm Springs. The use and development of trails by Desert Riders predates BLM. Public rights-of-way were established pursuant to R.S. 2477 should be recognized in accordance with federal law. Furthermore, when USFWS representative and recovery team member, Pete Sorensen, was asked by a National Monument Committee member in public meeting Saturday, April 6, 2002 what harm horseback riders riding on trails had on sheep, Sorensen's reply was that there was likely, none. Desert Riders requests that BLM modify its EIS and Draft Trails Plan accordingly to permit monitored trail through out the year and to make provision for trail rides with numbers greater than twenty-five which have been a tradition for Desert Riders prior to the existence of BLM.

Thank you for the opportunity to comment on the Draft EIS.

Sincerely,


Nanci S. Stacey
Executive Director
Desert Riders Trails Fund, Inc.

and


Rob Roy Ramey II, Ph.D.
Pro bono Science Advisor to
The Desert Riders

NASS/as
enc.

cc: Don Abel, President, Desert Riders
Gary Klein, President, Desert Riders Trails Fund

James G. Kenna
August 30, 2002
Page 8

Santa Rosa and San Jacinto Trails
Constructed, Improved, Used and Maintained by Desert Riders

Cahuilla Trails Improved and Maintained

1. Dripping Springs Trail
2. Vandeventer Trail
3. Palm Canyon Trail
4. Murray Canyon Trail
5. Andreas Canyon Trail
6. West Fork/Pelton Trail
7. Art Smith Trail
8. Boo Hoff Trail
9. Eagle Canyon Trail
10. Pond Trail

Trails Improved since the 1920's, 1930's and 1940's

1. Lykken Museum Trail
2. Maynard Mine Trail
3. Wildhorse Trail
4. Araby Trail

Trails Constructed by Desert Riders Prior to 1973

1. Alexander Trail - 1963
2. Garstin Trail - 1963
3. Shannon Trail - 1964
4. Henderson Trail - 1968
5. Coffman Trail - 1968
6. Berns Trail - 1971
7. Lykken Trail North - 1972

Trails Constructed by Desert Riders Prior to 1976

1. Victor Trail - 1974

Other Trails Constructed by Desert Riders

1. Hahn Trail
2. Bud Furer Trail
3. Clara Burgess

AUG 31 2002 9:24PM THE GATE ESCAPE

310-641-5693

p. 9

Rocky mtn New
8/21/02
Page A12

Denver biologists toss and turn over declining count of Mongolian sheep

By Jon Erickson
ROCKY MOUNTAIN NEWS

Several Denver-area biologists will fly to Mongolia today to place radio collars on argali sheep, relatives of the Rocky Mountain bighorn that are declining due to poaching and competition with livestock.

Argalis are found throughout central Asia and can grow to be twice the size of a bighorn. Some males tip the scales at 400 pounds, with large, spiraling horns prized by big game hunters and practitioners of Chinese herbal medicine.

In Mongolia, the argali population has plummeted since the mid-1980s and is currently estimated at 12,000 to 13,000 sheep, said Richard F. Reading, director of conservation biology at the Denver Zoo.

"The numbers are estimates, but the trend is real. They are declining rapidly," Reading said.

Reading and several other Denver-area researchers want to test the feasibility of capturing and relocating argalis to boost Mongolian populations. The practice has been used on several thousand Rocky Mountain bighorns since the 1970s.

In the West, biologists often net bighorns from helicopters, then transport them by truck. In Mongolia's Gobi Desert, the biologists will try a low-tech approach: stalking the animals on foot and darting them with tranquilizer guns.

"We want to take something



An argali sheep. Several Denver researchers are flying to Mongolia today to study this sheep species, which is related to the Rocky Mountain bighorn.

that's worked really well here and apply it there to put argalis back into areas where they've been lost because of poaching and competition with domestic sheep and goats," said Rob Roy Ranney of the Denver Museum of Nature & Science.

Ranney leaves for Mongolia today and is taking 13 radio-transmitter collars with him. The collared animals will be tracked to determine how far they travel and what habitat they occupy.

The expedition is sponsored by the museum, the Denver Zoo and the Mongolian Academy of Sciences. The International Sheep Hunters Association also is providing funds.

Big game hunters pay up to \$35,000 for a trophy argali ram, Reading said.

"We're all hoping the large amounts of money that are being generated by trophy hunting can be put toward conservation of the animal," he said. "The idea is to set aside protected areas and pay for rangers."

Transplanted sheep could then be moved into the protected areas so argali populations can be restored, Reading said.

Argalis are listed as "threatened" on the endangered species list.

Erickson/Rocky Mountain News.com or (303) 522-5129

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

Procopio
Cory
Hargreaves
& Savitch

LLP

Founded 1946

RECEIVED
BUREAU OF LAND MANAGEMENT
1917 Palomar Oaks Way • Suite 300 • Carlsbad • California 92008-6511
Telephone 760/439-0905 • Fax 760/439-0905 • www.procopio.com

PALM SPRINGS-SOUTH COAST
RECREATION AREA

David P. Hubbard
Direct Dial: (760) 496-0776
E-mail: dph@procopio.com

September 4, 2002

COMMENTS ON COACHELLA VALLEY PLAN/EIS

Attention: James G. Kenna
Field Manager
Bureau of Land Management
Palm Springs-South Coast Field Office
690 West Garnet Avenue
Palm Springs, CA 92258-1260
Emisquez@ca.blm.gov

Re: Draft EIS for the Proposed California Desert Conservation Area Plan
Amendment for the Coachella Valley and the Proposed Santa Rosa and San
Jacinto Mountains Trails Management Plan

Dear Mr. Kenna:

This firm represents the San Diego Off-Road Coalition ("SDORC"), the Off-Road Business Association ("ORBA"), and the California Off-Road Vehicle Association ("CORVA"), each of which is committed to preserving public recreational opportunities in the Coachella Valley Planning Region of the California Desert Conservation Area (the "CDCA"). On behalf of SDORC, ORBA, and CORVA, we have reviewed the Draft EIS for CDCA Plan Amendments for the Coachella Valley (the "EIS") to determine whether it complies with the National Environmental Policy Act ("NEPA") and with the Federal Land Policy and Management Act ("FLPMA").

As we demonstrate below, the Coachella Valley EIS is defective in many respects and fails to satisfy NEPA and FLPMA. For example, the document does not clearly articulate a "preferred alternative" or discuss intelligibly that alternative's potential impacts on the environment. The reader is left to wonder what BLM has actually proposed and what will happen when the preferred alternative (whatever it may be) is implemented. In addition, the EIS continues the now-familiar pattern of making sweeping, unsupported statements regarding off-highway vehicle ("OHV") impacts on desert resources. The EIS also understates the effects that some Alternatives will have on public recreation in the Coachella Valley. Finally, the EIS fails

109546.000009/357297.01

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 2

to demonstrate that closing additional OHV routes and use areas is necessary to protect or aid in the recovery of any listed species, including the Desert Tortoise and the Peninsular Range Bighorn Sheep. Additional defects in the EIS are described in sections II and III of this Comment Letter.

I. NEPA AND FLPMA REQUIREMENTS

A. The National Environmental Policy Act (NEPA)

NEPA (42 U.S.C. sections 4321, *et seq.*) was enacted in 1969 to "declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality." 42 U.S.C. § 4321.

To meet this policy objective, NEPA imposes certain duties on federal agencies when they are contemplating taking a "major Federal action" that may have an impact on the human environment. A "major Federal action" is broadly defined and includes "[a]pproval of specific projects, such as construction or management activities located in a defined geographic area," as well as actions approved by permit or other regulatory decisions. 40 CFR § 1508.18(b) (4). Prior to taking such an action, the federal agency must prepare a report which evaluates the environmental consequences of that action. This report must "utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment." 42 U.S.C. § 4332(A).

For smaller projects, the report may come in the form of an Environmental Assessment ("EA"), ultimately leading to a Finding of No Significant Impact ("FONSI"). 40 CFR § 1501.4. However, for larger projects, or for projects whose EA identifies potentially significant impacts, the federal agency must prepare a more thorough report, known as an Environmental Impact Statement ("EIS"). 40 CFR § 1501.4. In compliance with this requirement, BLM has prepared an EIS for the proposed Coachella Valley Plan.

Under NEPA, this EIS must describe the following: (1) the environmental impacts of the proposed action; (2) any adverse environmental effects which cannot be avoided should the proposal be implemented; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitment of resources which would be

109546.000009/357297.01

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 3

involved in the proposed action should it be implemented. 42 U.S.C. § 4332(c). Measures that might mitigate the impacts of the proposed action must also be discussed in the report. 40 CFR § 1502.14(f). And where there is a conflict over how certain public lands are to be used, NEPA demands that the federal agency — in this case, BLM — “study, develop, and describe appropriate alternatives to the recommended courses of action.” 42 U.S.C. § 4332(E). Perhaps most important of all, the EIS “shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.” 40 CFR § 1502.2(g).

The technical rigor with which the EIS is prepared is also dictated by statute. For example, 40 CFR § 1502.24 provides that federal agencies

“shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement.”

Further, the agency cannot duck this obligation by claiming that the necessary technical evidence is incomplete or unavailable. In such situations, NEPA requires the following:

“(a) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.” 40 CFR § 1502.22(a).

If the cost to obtain the required information is “exorbitant,” the agency need not insert it into the document. However, in such situations, the agency must include the following in the EIS:

- (1) a statement that such information is incomplete or unavailable;
- (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment;
- (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment; and

109546 000009 757297 01

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 4

- (4) the agency’s evaluation of such impacts based upon theoretical approach or research methods generally accepted in the scientific community. 40 CFR § 1502.22(b)(1).

Ultimately, the EIS must demonstrate that the agency has taken a “hard look” at the environmental consequences of the proposed action, and has given full consideration to alternatives and mitigation measures that would eliminate, avoid, and/or sufficiently reduce those impacts. If it fails to make such a demonstration, the EIS is legally inadequate and cannot support the proposed action.

As will be discussed below, the Coachella EIS fails to provide adequate scientific data with respect to the proposed “action” and its environmental impacts, especially as those impacts relate to public access and recreation. Further, the EIS fails to consider reasonable alternatives and mitigation measures that would allow BLM to meet its conservation goals without further restricting OHV use and the many recreational activities that depend on OHV access. As a result, the EIS is legally deficient and may not be used to support the proposed Coachella Plan.

B. The Federal Land Policy and Management Act (FLPMA)

As its name indicates, the FLPMA was enacted in 1976 to give the Department of the Interior, through BLM, the ability to set policy for and manage public lands owned by the United States Government, including those located in California. However, BLM was not to set policy and make management decisions on its own, but was to do so with input from the public. 43 U.S.C. § 1712(a) and (f).

Under the FLPMA, all BLM decisions must be guided by the “multiple use” and “sustainable yield” principles set forth in the statute’s “Congressional declaration of policy.” 43 U.S.C. §§ 1701(a)(7), 1732(a). The term “multiple use” means the “management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people” 43 U.S.C. § 1702(c). “Multiple use” also means a “combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values” *Ibid.* The FLPMA also requires that BLM protect the environment while also providing “for outdoor recreation and human occupancy and use” of the public lands. 43 U.S.C. § 1701(a)(8).

To discharge its duties under the FLPMA, BLM must prepare management plans setting forth the uses allowed on the various lands within BLM’s jurisdiction. These plans must

109546 000009 757297 01

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 5

be developed with public involvement and must be consistent with the terms and conditions of FLPMA. 43 U.S.C. § 1712(a). (Emphasis added).

When developing or revising a land use plan, BLM must observe the principles of multiple use and sustainable yield, and employ a "systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences." 43 U.S.C. § 1712(c). Further, BLM must make every effort to conform its land use plan with the land use plans of state and local governments. *Ibid.* Again, as we will demonstrate below, the Coachella Plan and its EIS fail to satisfy these basic requirements of the FLPMA.

II. GENERAL COMMENTS ON THE EIS

A. The EIS Fails to Evaluate and Disclose the Coachella Plan's Individual and Cumulative Impacts On Recreation

Although Plan Alternatives B and C propose to close numerous OHV routes and restrict activity on many others, the EIS fails to assess the impacts of these closures and restrictions on recreation. Incredibly, the EIS does not identify the name, length, and location of each OHV route and play area that will be affected by these alternatives. Worse, the EIS fails to evaluate how many OHV users will be affected by the closures and route "redesignations." Nor does the EIS examine where these displaced OHV users will go to fulfill their recreational needs once the proposed closures/redesignations go into effect.

But the most glaring defect of the EIS is its failure to analyze, disclose and mitigate the cumulative recreation impacts of the Coachella Plan, NEMO Plan, NECO Plan and the twelve "interim" closures BLM has implemented throughout the CDCA. The absence of an adequate cumulative impacts analysis constitutes a violation of NEPA and renders the EIS invalid as a matter of law.

Unfortunately, the cumulative loss of OHV recreation opportunities will have effects well beyond those experienced by disappointed OHV enthusiasts. Hikers, rock hounds, hunters and equestrians — all of whom use OHVs to access their preferred desert recreation areas — will also be adversely affected. Seniors, children, and persons with mobility problems also rely heavily on OHVs to visit areas of the desert that they cannot reach easily or safely on foot. With the Coachella Plan and the other closures implemented by BLM throughout the CDCA, these less mobile individuals will be effectively removed from many of the most interesting and beautiful parts of the California Desert. Again, this is an impact that the EIS completely ignores.

109546.000009/357297.01

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 6

Safety impacts also have escaped the attention of the EIS preparers. By shutting down OHV routes and thousands of acres of OHV recreation sites, the Coachella Plan will force more and more OHV users onto smaller and smaller areas, increasing the potential for accidents and other public safety problems. Given the incredible number of closures BLM has implemented (or intends to implement) throughout the CDCA, accidents and injuries in the few remaining open areas are sure to increase. Not only do the closures diminish the recreational and aesthetic experience of the families who visit the desert with their OHVs, it will inevitably lead to conflicts between users, the very thing that BLM is supposed to prevent. What BLM has proposed — through the Coachella Plan, NEMO Plan, NECO Plan and the various other desert closures — is a subtle but effective program to herd OHV users onto small "OHV ghettos," leaving the rest of the desert open only to those who engage in the kind of recreation preferred by BLM (namely, endurance hiking and backpacking). All of this is being done under the guise of the Endangered Species Act, even though the species targeted for protection — the Desert Tortoise and Bighorn Sheep — are not likely to benefit from the various land use plans or the proposed OHV route closures.

B. The EIS Proposes Inadequate Mitigation for the Coachella Plan's Impacts on Recreation

Because the EIS fails to meaningfully assess the Coachella Plan's impacts on OHV use and other recreational activities, it also fails to provide adequate mitigation for those impacts. Although Alternatives B and C of the Plan will close a multitude of OHV routes and use areas, the Plan includes no new routes to compensate for these losses. Nor does the EIS explain why alternative routes could not be identified and incorporated into the Plan. Given that FLPMA requires BLM to provide for OHV recreation, and given that NEPA requires BLM to develop and consider feasible mitigation measures to reduce all foreseeable impacts, the lack of mitigation for recreation losses constitutes a violation of both of these statutes.

III. SPECIFIC COMMENTS ON THE EIS

A. EIS Introduction

1. Purpose and Need

It is clear that this plan amendment for Coachella Valley is being driven by the settlement agreement struck by BLM and the Center for Biological Diversity ("CBD") to end their Endangered Species Act litigation in January, 2001. And for that reason, the proposed plan should only address those issues implicated in that litigation. CBD sued BLM for its failure to consult with the United States Fish and Wildlife Service (the "USFWS") regarding the existing CDCA Plan's potential effects on recently listed endangered and threatened species,

109546.000009/357297.01

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 7

such as the Desert Tortoise and the Peninsular Range Bighorn Sheep. Therefore, the "purpose" of the Coachella EIS should be to determine whether the current CDCA Plan creates unacceptable impacts on listed species found on BLM lands in Coachella Valley. Nothing more is required.

2. Recovery of Peninsular Ranges Bighorn Sheep

At page 1-8, the EIS correctly states that "[r]ecovery, or the arrest or reversal of the decline of an endangered or threatened species, is the cornerstone and ultimate purpose of the endangered species program." Please indicate how the proposed reduction in OHV use areas and trails in Coachella Valley will aid in the recovery of the Peninsular Ranges Bighorn sheep. Please identify the technical studies demonstrating that OHV use in the affected areas is currently having an adverse effect on the bighorn sheep.

3. Draft 2002 Coachella Valley PM10 State Implementation Plan.

Please identify the receptor sites that recorded the PM10 exceedance during the years 1999-2001. Further, please identify the causes, if known, of these exceedances. They seem anomalous given that Coachella Valley from 1993 to 1998 had no exceedances of the PM10 standard. Also, we note that the compliance strategies of the Draft Implementation Plan do not call for a reduction in OHV use. This indicates that OHV recreation is not a major source of PM10 in Coachella Valley. If quantitative data suggest a contrary conclusion, please identify and provide that data.

B. Alternatives

1. No Clear Preferred Alternative: At page 2-2, the EIS states that

"The BLM preferred alternative consists of an *amalgamation* of plan elements chosen from three alternatives (A through C). The preferred alternative for each plan element is highlighted in the "Summary of Alternatives" table and identified in the following narrative description of the alternatives." (*Emphasis added.*)

NEPA does not permit BLM to propose a preferred alternative that is an "amalgamation" of bits and pieces selected from other alternatives. Not only does such a "patch-work" alternative render the proposed action unintelligible to the reader, it frustrates one's attempt to properly assess the "preferred" alternative's impacts on the environment. Furthermore, the EIS makes no attempt to evaluate the "selected" plan elements as they interact with one another. In other words, each preferred "element" is analyzed individually, without integrating it into the melange of other preferred "elements." No one knows how these various

109546.000009/357297.01

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 8

elements will actually work together, or what their combined and interactive effect upon the environment may be. As a result, the EIS fails to meet the most basic requirement of NEPA, which is to describe the proposed action clearly and to assess its impacts on the human environment.

2. **Alternative B:** Table 2-6b (pg. 2-19) indicates that under Alternative B, three existing OHV use areas would be eliminated – Windy Point, Iron Door, and Indio Hills. However, the EIS does not provide a biological or natural resource justification for these closures. Please identify and provide the data, if any, demonstrating that closing Windy Point, Iron Door, and/or Indio Hills will result in benefits to protected species.

3. **OHV Route Designations Under Alternatives B and C:** According to Tables 2-7b and 2-7c, Alternative B would cause an additional 26 miles of OHV routes to be closed, and Alternative C would cause an additional 46 miles of OHV routes to be closed. However, the precise routes slated for closure under each of these two alternatives are not identified. This information is critical to determining (a) the need for the closures, and (b) the impacts of those closures on recreation. Without this data, the EIS is inadequate. Therefore, please identify the specific routes to be closed under Alternative B and Alternative C, and indicate what data support the need for such closures. Also, please indicate how many OHVs use the affected routes.

4. **Recovery Strategy for Peninsular Ranges Bighorn Sheep:** At page 2-25, the EIS indicates that as part of the bighorn sheep recovery strategy, BLM will manage road use to reduce "habitat fragmentation or interference with bighorn sheep resource use patterns." However, the EIS does not indicate which roadways – paved or unpaved – currently operate to fragment bighorn sheep habitat or interfere with sheep movements near key resources. Also, the EIS fails to identify the data which demonstrate that such fragmentation and interference are taking place in Coachella Valley. Finally, we note that predation management – particularly of mountain lions – is not listed among the recovery strategies "common to all alternatives." This is a significant omission, given that mountain lions kill a substantial number of bighorn sheep in Coachella Valley.

5. **Effects of Research Activity on Bighorn Sheep:** It is ironic that the research techniques currently employed by biologists studying the bighorn sheep – e.g., helicopter surveys, extensive human handling of lambs – disrupt the sheep more directly than any other human activity. One must question whether the data obtained from this kind of research has much value, since the sheep adjust their behavior, sometimes radically, in response to the scientists and their activities. Perhaps too much scientific intervention and management are hampering the bighorn sheep recovery effort. Certainly, highly disruptive activities such as low-altitude helicopter surveys affect the sheep more profoundly than do a few OHVs traveling

109546.000009/357297.01

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 9

slowly in the distance. Whereas bighorn sheep learn, over time, to avoid established travel routes, thereby diminishing unwanted contact or interference, such avoidance techniques are not available to the sheep when helicopters are monitoring them. The helicopters are expressly deployed to track the sheep, wherever they may wander or seek refuge.

6. **OHV Impacts on the Bighorn Sheep:** Under Preferred Alternative B, bighorn sheep recovery strategies include the following: "3. BLM will seek to reduce impacts resulting from all land uses including trail use, motorized vehicles, permitted uses, utility corridors, communication sites, a variety of casual uses, and research" Please identify where motorized vehicles are having a negative effect on bighorn sheep; and please provide all data to support that claim.

C. Affected Environment

1. **Chuckwalla Bench ACEC:** At page 3-1, the EIS indicates that the Chuckwalla Bench ACEC was established "for its exceptional desert tortoise densities, the highest in the Sonoran Desert, and as a rich relic representative of Sonoran Desert with a full complement of wildlife and plant species, including several rare plants." However, the EIS fails to disclose that over the last 10 years, the Desert tortoise population in the Chuckwalla Bench ACEC has declined sharply due to shell disease. This information should be included, as it more accurately describes the existing conditions of the "Affected Environment."

2. **Potentially New or Expanded ACECs:** In section 3.1.2, the EIS describes three potentially new or expanded ACECs – Dos Palmas, Upper Mission Creek, and Coachella Valley. However, the EIS indicates that none of these three potential ACECs currently meets the "relevance" criteria set by 43 CFR 1610.7-2(a). Please indicate whether this means that BLM does not, at this time, intend to designate these three areas as ACECs as part of this amendment to the CDCA Plan. Also, please identify what steps BLM intends to take toward establishing ACECs in these locations in the future.

3. **Wild and Scenic River Designations:** The EIS's discussion of Wild and Scenic Rivers is hopelessly confusing and should be rewritten to answer two simple questions: (1) Are there rivers within BLM-controlled land that are eligible for Wild and Scenic River designation? and (2) if so, are any such rivers to receive that designation pursuant to this amendment to the CDCA?

4. **Proposed Plan's Impacts on R.S. 2477 Routes:** The EIS acknowledges that certain existing routes in the Coachella Valley Planning Area may be subject to "rights-of-way" granted under R.S. 2477. The EIS also recognizes that some of the trail closures proposed under the Coachella Valley Plan may affect existing R.S. 2477 routes. However, the EIS fails to

109546.000009/357297.01

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 10

identify the affected routes and further fails to analyze the potential conflict between the proposed closures and the rights of those persons/entities that have been granted permanent road access by R.S. 2477. This is important information that should be set forth in the EIS.

5. **"Essential" Bighorn Sheep Habitat:** At page 3-28, the EIS states that "[w]ithin essential Peninsular Ranges bighorn sheep habitat, there are 153 miles of primary trails" (*Emphasis Added*) Please explain the distinction, if any, between formally-designated "critical" habitat and "essential" habitat.

6. **Current OHV Use in Coachella Valley:** At page 3-29, under the heading "Off-Highway Vehicle Use," the EIS states that

"There are four locations on federally owned public lands in the Coachella Valley which have historically received off-highway vehicle use, some for as long as 40 years. The four areas [Windy Point, Indio Hills, Iron Door, and Drop 31] cover about 3,800 acres and have become informally established by use rather than by design or by designation."

This statement suggests that OHV use in Coachella Valley is limited to these four locations, which is false. The EIS should include a full listing of the trails and use areas that serve OHV recreation – not just the four most popular sites.

7. **Air Quality Impacts Along Route Network:** At page 3-32, the EIS indicates that the route network on the floor of the Coachella Valley is "currently affected by the non-attainment status of the Coachella Valley under the Clean Air Act, in part due to dust emissions from unpaved routes and off-highway vehicle use." This statement is confusing. It fails to describe the manner in which the routes on the floor of Coachella Valley are "affected" by the entire air basin's non-attainment status for PM10. Nor does it explain what restrictions, if any, apply to these routes due to air quality concerns. Finally, the EIS does not describe quantitatively how much PM10 is emitted by OHVs using the affected route network on the floor of Coachella Valley. In order to support the air quality claims set forth in the EIS, BLM must obtain data showing what impacts, if any, OHVs have on the threshold velocity ("TV") for wind erosion. Without this information, the EIS is deficient.

8. **"Redundant" OHV Routes:** Also at page 3-32, the EIS states that BLM has closed or intends to close "redundant (or multiple) routes leading to the same location." Please identify these allegedly "redundant" routes and explain the criteria used to establish their redundancy.

9. **Declines in Bighorn Sheep Populations:** At page 3-40, the EIS indicates that over the last 26 years, the population of Peninsular Ranges Bighorn sheep has declined from

109546.000009/357297.01

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 11

1,100 animals to about 300. The EIS attributes that decline to a variety of causes – disease, automobile collisions, mountain lion attacks, exotic plant invasion, toxic plant ingestion, competition with cattle, habitat loss, degradation and fragmentation, and recreational disturbance. Missing from this list, however, is disturbance from research activities such as helicopter surveys and human handling. The list is also deficient for another reason: It makes no attempt to rank by severity the various causes of bighorn sheep mortality. For example, our review of the technical data suggests that mountain lion predation is a far more common cause of bighorn sheep mortality than toxic plant ingestion or recreational disturbance. Please provide data showing how many bighorn sheep have been killed by mountain lions versus those killed by motor vehicles and toxic plant ingestion. Also, how many acres of habitat do 1,100 bighorn sheep require? What level of habitat disturbance and fragmentation renders the habitat unsuitable for the sheep? In what way is the currently-available habitat inadequate to support a population of this size?

10. **Stabilization of Bighorn Sheep Populations:** At page 3-40, the EIS states that “in the last four years, the population has stabilized and appears to be increasing.” Please identify and provide the data that support this statement. Also, please identify where in Coachella Valley population declines have been arrested and/or reversed, and by what means.

11. **OHV Contributions to PM10 Emissions:** At page 3-48, the EIS states that, based on 1995 air quality data, “man-made and natural dust causing activities, such as agricultural tilling in fields, construction and demolition operations, or driving on paved or unpaved roads account for 96%” of PM10 emissions in the Coachella Valley.” However, the EIS fails to describe in quantitative terms the emissions created by each of these sources. Recreational users of Coachella Valley are especially interested to know how much PM10 is caused by OHVs traveling on unpaved roads. Please provide this information, complete with monitoring data.

12. **PM10 Levels From 1999 to 2001:** At page 3-49, the EIS indicates that from 1999 through 2001, the Indio monitoring site registered exceedances of the PM10 annual average standard. Please rank the contributing causes of these exceedances. Also, please indicate whether emissions from unpaved OHV routes contributed to the exceedances registered at the Indio monitoring station. Please identify those OHV routes. The EIS also states that “special monitoring at other sites confirmed that PM10 standards are exceeded throughout Coachella Valley.” Please identify these other monitoring sites and provide the emissions data compiled at each one.

13. **PM10 Violations in Morongo Valley:** At page 3-50, the EIS claims that OHV use is a major cause of PM10 in the Mojave Desert Air Basin, including Morongo Valley. Please provide the data that support this claim.

109546.000009/357297.01

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 12

D. Environmental Effects of the Proposed Amendment

1. **Wild and Scenic Rivers:** Please explain why casual motorized-vehicle use along the Dry Wash route must be eliminated to protect the river values of BLM-managed lands in Palm Canyon. The EIS suggests that such values “could be threatened by uncontrolled motor-vehicle intrusion.” Please provide evidence that current motor-vehicle use is degrading river values in Palm Canyon and requires more “controls.” In addition, on page 4-27, the EIS claims that designation of BLM-managed river segments as Wild and Scenic Rivers would result in no substantive impacts on recreation; however, there is no data to back this up. In fact, the EIS states that “protective management” measures will likely be required at Whitewater Canyon, Mission Creek, and Palm Canyon. These protective management measures – as well as their impacts on recreation – should be clearly described in the EIS.

2. **Meccacopia SRMA:** At page 4-13, the EIS indicates that a Recreation Area Management Plan (“RAMP”) will be developed for the Meccacopia SRMA. However, the EIS fails to disclose when such a RAMP will be developed or what restrictions, if any, will be imposed on OHV use in the SRMA while the RAMP is being prepared. The EIS implies that there is a need to control the current type and intensity of OHV use in and around the proposed SRMA, but this is not explained in the document. Therefore, please describe the effects of OHV use on the proposed SRMA and provide the data, that demonstrate those effects. In other words, please provide evidence showing a need for an SRMA at this location.

3. **OHV Use and Soil Erosion:** At page 4-25, the EIS states that OHV use causes soils erosion and must be properly regulated and monitored to reduce erosion impacts. On the next page, however, the EIS states that OHV routes in Coachella are “typically located within natural drainages or sand washes and are used on a very low frequency or level of intensity.” This suggests that OHVs contribute minimally to any perceived soils erosion problem in Coachella Valley. To resolve the conflict between the two statements, please provide all data regarding OHV impacts on soils in the Coachella Valley.

4. **Land Health Standards and Air Quality:** At page 4-27, the EIS includes the following paragraph regarding Land Health Standards and air quality:

“Actions relating specifically to the management of recreation in accordance with regional land health standards developed in consultation with the California Desert Advisory Council are not specified (Alternatives A, B, and C). Where recreational activities adversely affect soils, native species, riparian/wetland and stream function, water quality, and air quality to the degree that such standards are not met or cannot be

109546.000009/357297.01

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 13

met, mitigation measures would be developed to reduce the impacts to acceptable levels. However, no recreational activities or recreation sites have been specifically identified as noncompliant with these standards, hence no changes in the management of such activities are proposed. Therefore, adoption of the regional land health standards proposed under these alternatives results in no adverse impacts to recreation." (*Emphasis added.*)

This is a startling statement – one which throws into question the need for any "Coachella" amendment to the CDCA plan at all. If no recreational activities or sites have been shown to violate established standards for "soils, native species, riparian/wetland and stream function, water quality, and air quality," there is no justification for the Plan's proposed reductions in recreation opportunities. The EIS admits this and states that no activities or sites have been identified as noncompliant with these standards, and that "no changes in the management of such activities are proposed." However, the EIS later contradicts itself, stating that "[c]hanges in recreational uses would be required in some instances to meet habitat conservation objectives (Alternatives B and C)." (EIS, at p. 4-28.) Such inconsistent statements make the EIS unintelligible. One cannot tell what is actually being proposed in terms of "changes" to the current palate of recreational opportunities in Coachella Valley. Nor can one discern the reasons for such changes. To cure this problem, each specific change must be set forth in the EIS, along with an assessment of its impacts on recreation. Further, the EIS should explain why each individual change is necessary. For example, the EIS should disclose which habitat conservation objectives, if any, are not being met as a result of OHV recreation. The EIS should also provide the technical data that demonstrate OHV use is a significant cause of noncompliance. Without this information, the EIS is inadequate.

5. Plan's Impacts on OHV Recreation: When discussing the Plan's impacts on recreation and motor-vehicle access (section 4.1.4 and 4.1.5) the EIS fails to identify a "preferred" alternative. As a result, one is left to wonder what BLM is actually proposing and what effects the Plan will have on OHV-related recreation. For example, the use restrictions contemplated under Alternatives B and C are drastic when compared to those set forth in Alternatives A and D. Nevertheless, the EIS does not bother to explain which of these four alternatives is the preferred one. This is a serious defect in the document and should be corrected. Indeed, one of the structural flaws of the EIS is its failure to (1) identify the specific recreational uses that will be affected by the Plan, (2) describe the proposed changes in detail, and (3) examine the impacts of each proposed change. Consequently, the EIS does not demonstrate that BLM has taken a "hard look" at such impacts, as required by NEPA.

109546.000009/357297.01

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 14

6. Water Resources/Quality and OHV Use: In section 4.1.7, the EIS discusses the Plan's impacts on Water Resources and Water Quality. As part of this discussion, the EIS states that the "Proposed amendment to the CDCA Plan would reduce the number and miles of available routes of travel for motorized vehicles to 60 miles from the current 133 miles, thereby reducing by more than half the miles available for this activity." This statement raises a variety of questions. First, which Alternative – A, B, or C – contemplates the closure of 73 miles of OHV routes? Why are such closures being proposed if the level of OHV use along these routes is relatively low and is not causing problems regarding habitat conservation, species recovery, air quality, water quality, and soils conservation? Why does the EIS constantly contradict itself on the issue of OHV route closures? On page 4-27, the EIS states that no recreational activity or site currently violates established standards for the management and protection of soils, water quality, air quality, habitat, or species, and that no changes to recreational activities are proposed. Then, just 19 pages later, the EIS discloses that more than half of the existing OHV routes will be closed. Such grossly inconsistent statements render the EIS worthless as an informational document.

7. OHV Impacts on Soil and Biological Resources: At page 4-51, the EIS claims that under Alternative B "1040 acres of public land in the Drop 31 off-highway vehicle open area would be exposed to accelerated soil erosion and native vegetation loss." However, the EIS includes no data to back up this claim. What evidence demonstrates that OHV use at Drop 31 is accelerating soil erosion? What plant surveys show that OHV use has damaged native vegetation in this area? The EIS goes on to state that "[u]nder Alternatives A and D, 3800 acres of public land would be available for open off-highway vehicle use, and would be exposed to accelerated soil erosion, native vegetation loss, crushing of native plants and animals, and crushing of burrows." Again, the EIS fails to support this statement with any data. Indeed, we are not aware that BLM or any other credible person or agency has studied the effects of OHV recreation in the "open" use areas of Coachella Valley. Site-specific data regarding net soil loss at OHV use areas should be compiled and analyzed. As a component of this analysis, BLM should compare soil loss at OHV areas to soil loss at "control" (*i.e.*, low use) sites. This will ensure that the resulting data is reliable. In addition, any plant studies that compare vegetation in closed versus open OHV areas must be designed to allow replication.

8. OHV Impacts on Bighorn Sheep and Other Sensitive Species: As alluded to above, the EIS alleges that OHVs destroy many protected species that reside in the planning area – including the Desert Tortoise and the Coachella milkvetch. (EIS, at pg. 4-51.) The EIS also suggests that OHV use interferes with Bighorn sheep behavior and contributes to the spread of noxious weeds in Coachella Valley. Nowhere, however, does the EIS set forth the data that support these allegations. Instead, at page 4-51 the EIS cites two general studies regarding impacts on bighorn sheep; but neither is specific to Coachella Valley and cannot be used to support claims that OHV routes in Coachella are having a negative effect on the sheep.

109546.000009/357297.01

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 15

9. **Tamarisk Eradication and Bighorn Sheep Recovery:** Some of the studies cited in the EIS suggest that tamarisk have invaded many natural springs in the Coachella Valley, reducing the amount of drinking water available to bighorn sheep. These same studies indicate that diminished access to drinking water may be a leading cause of declines in sheep populations. In light of these findings, BLM should immediately begin removing tamarisk from these watering holes so that they can be reestablished for the benefit of the sheep. This seems a more direct and promising approach to species recovery than many of the other measures described in the Plan/EIS.

10. **Effect of Human Presence on Mountain Lion Predation:** At page 4-57, the EIS explains that "mountain lion predation on bighorn sheep can have a significant impact on small populations," such as those that reside in the Coachella Valley. However, the EIS does not discuss whether and to what extent humans who visit Coachella Valley (with or without OHVs) operate to deter mountain lion predation. That is, the EIS does not analyze whether reducing the "human presence" in the Coachella Valley will increase the number of mountain lion attacks on bighorn sheep.

11. **Ability of Bighorn Sheep to Recolonize Habitat:** At page 4-58, the EIS states that (1) bighorn sheep "are generally poor colonizers of available habitat because habitat use patterns are learned from experienced animals (Risenhoover 1988)," and (2) once ewes "discontinue use of a particular area, it may be difficult for inexperienced sheep to establish (sic) in this area." Elsewhere in the EIS, BLM also acknowledges that efforts to relocate bighorn sheep have met with little success. In light of these facts, why does the proposed Plan seek to reclaim more habitat for the bighorn sheep? If the sheep will not recolonize an area on their own, and if they will not thrive when forcibly relocated to new areas, how will the sheep benefit from proposed additions to their existing habitat? In short, it makes no sense to close long-established recreation areas for the benefit of the sheep if the sheep will not colonize them.

12. **OHV Use and Fugitive Dust:** At page 4-68, the EIS indicates that under Alternatives A and D, "2,360 acres of 'open' off-highway vehicle areas would generate PM10 emissions upwind of sensitive receptors, with average weekly usage ranging from 320 to 600 vehicles during the cooler months." Unfortunately, the EIS does not include monitoring data showing how much PM10 is actually resuspended as a result of OHV use in these "open" areas. Nor does the EIS identify the downwind "sensitive receptors" or indicate how close they are to the OHV sites. Without this information, and without a "wind-rose" to indicate the strength and direction of the prevailing winds, it is impossible to determine whether OHV use contributes significantly (or at all) to the PM10 levels registered at any sensitive receptor in Coachella Valley.

109546 000009/357297.01

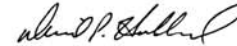
LAW OFFICES OF
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Mr. James G. Kenna
Bureau of Land Management
September 4, 2002
Page 16

V. CONCLUSION

As demonstrated above, the EIS is defective and inadequate as a matter of law. NEPA requires that the conclusions drawn in the EIS be supported by scientific/technical evidence; but the Coachella EIS includes almost no scientific/technical data at all. NEPA requires that the EIS disclose and evaluate the impacts of the proposed project; but the Coachella EIS fails to identify key impacts and poorly analyzes those impacts it does identify.

Sincerely,



David P. Hubbard

DPH/air

cc: Gale A. Norton, U.S. Secretary of the Interior
Mike Pool, State Director, Bureau of Land Management
Roy Denner, ORBA
Ed Waldheim, California Off-Road Vehicle Association
Julie Allen, San Diego Off-Road Coalition

109546 000009/357297.01

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



**Sierra Club
San Geronio Chapter**

Serving Riverside and San Bernardino Counties
Tahquitz Group • Los Serranos Group
San Bernardino Mtns. Group • Mojave Group
Morongo Valley Group

RECEIVED
BUREAU OF LAND MANAGEMENT
02 AUG 30 AM 11:09
PALM SPRINGS-SOUTH COAST
RESOURCE AREA

1485 Via Escuela,
Palm Springs, CA 92262.
(760) 320-4610
Fax (760) 322-3185

From:
Jeff Morgan,
Vice Chairman, Conservation Committee,
Sierra Club, Tahquitz Group.
August 30, 2002

Subject: Draft Environmental Impact Statement for the Draft CDCA Plan Amendment for the Coachella Valley and the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan.

The DEIS attempts to do several things in one document (The CDCA Plan and The Trails Management Plan) which are 2 separate issues that are only partially related. These issues are further complicated by the relationships to other plans, and it is my belief that these multiple issues should have been addressed in multiple documents. Accordingly I will address the issues separately.

The Trails Management Plan.

At this stage it is almost impossible to review the proposed alternatives as they are presented, due to the fact that negotiations are ongoing regarding endangered species with the Wildlife Agencies and that The Trails Management Plan is being prepared as an element of the CVMSHCP. The development of the CVMSHCP is still very much a work in progress and it may be months (or even years) before it is approved and adopted. There is a growing possibility that it may fail and not be adopted at all. Additionally the Agua Caliente Tribe are preparing their own MSHCP which may have different plans for trails use on their lands and lands to be acquired by the tribe from BLM.

If the CVMSHCP fails or is adopted in a weakened form (i.e. major cities withdrawing and no longer a part) or in a manner that it fails to live up to its name by not giving sufficient protection to species and habitat, it could be open to legal challenges that would probably prove to be terminal for the plan.

If the CVMSHCP is not completed or fails, the Trails Management plan defaults to a biological assessment. The biological opinion for that assessment has not been finalized and there has been no public review process.

The range of alternatives goes from minimal change (A) to do nothing (D), with the BLM preferred alternative (B). Many of these alternatives may not be in compliance with the PBS Recovery Plan and should be re-drafted.

The CDCA Plan.

Wild and Scenic Rivers: All eligible segments should be added to the National Wild and Scenic Rivers System. To leave them out when we have an opportunity include them at this planning stage is clearly wrong.

Areas of Critical Environmental Concern: The Upper Mission Creek area should be designated as an ACEC. This would provide a greater level of protection to this unique area and would link the existing Whitewater and Big Morongo ACECs preserving a regional wildlife corridor. Additionally, expansion of the Dos Palmas ACEC should be the preferred course of action.

Communication/Utilities: Construction of new communication sites or windmills should not be permitted within conservation areas. Additionally new utility corridors should not be designated. Very careful study and assessment should be required for any new facilities to be located on BLM lands.

Grazing: The Whitewater Grazing Allotment has not had any use since 1999 and the lands are showing some recovery. To allow more time, 10 more years, and then reconsider grazing does not make any sense. This grazing allotment should be retired now in its entirety. It should be noted that although the text in the Draft Plan shows Alternative 'A', as the preferred alternative the map (Fig. 2-B) shows Alternative 'C' (the entire allotment deleted) as the preferred alternative.

Motorized vehicle areas: There are currently no open OHV areas within the plan area. Any such current use is an illegal use. Given air quality, noise, existing and adjacent land uses, wilderness and wildlife issues, there may not be any suitable BLM lands for off highway vehicle use. Windy Point is not an option as it is within the boundaries of the Santa Rosa and San Jacinto Mountains National Monument which by law prohibits such use. Other areas such as Willow Hole/Edom Hill and Sky Valley have endangered species issues. Iron Door has adjacent private property rights problems and 'Drop 31' is adjacent to

existing wilderness lands. To hope to prevent OHVs from crossing over into the wilderness is a pipe dream. They already cross over on a regular basis and by designating the area a legal use area would only exacerbate the situation. More OHVs would just mean more problems.

Motor Vehicle Access/Route Designations: Currently The Dunn Road and all Access Routes are closed, primarily by locked gates, secondary by signage. Additional closures have been made by private landowners. The reasons for these closures are many, but mainly revolve around PBS issues. Use of the Dunn Road is considered to be a major factor in the decline of PBS (refer to The Recovery Plan). The best science to date indicates that the Dunn Road should remain closed until the PBS has recovered sufficiently to be no longer an endangered species. The Dunn Road should remain closed with the exception that the access route from Pinyon should be open as far north of the BLM gate in Section 16 (or at a location to be determined by the Recovery Team). This portion of the road is not within the seasonal closure areas and would provide access to several trails in the area that are also not subject to seasonal closure. The BLM preferred alternative with portions of the road open north of the section 16 gate and between Royal Carizzo and the common boundary of sections 32 and 33 would not be appropriate, given the current status of PBS. Additionally there should be no commercial use of the Dunn Road.

Other Roads: There are many spur roads and off-road routes that have been developed off the Powerline Road in the Big Morongo Canyon ACEC. These all should be blocked and closed to remain in compliance with existing regulation regarding ACECs. Additionally all roads in the Snow Creek and Windy Point areas should be closed to help prevent illegal off road vehicle use.

Wilderness: Wilderness issues were not addressed. There are many thousands of acres of wilderness quality lands in the Plan Area. Many of these lands are adjacent to existing and proposed wilderness areas in Joshua Tree National Park and should be considered as wilderness study areas or potential wilderness areas. Of particular interest is the Big Morongo ACEC area and the BLM owned lands adjacent to the southern boundary of Joshua Tree National Park.

Sincerely,

Jeff Morgan,
Vice Chairman,
Tahquitz Group Conservation Committee.

PC
127

PC
159

PC
146

PC
046

PC
001

PC
039

PC
047

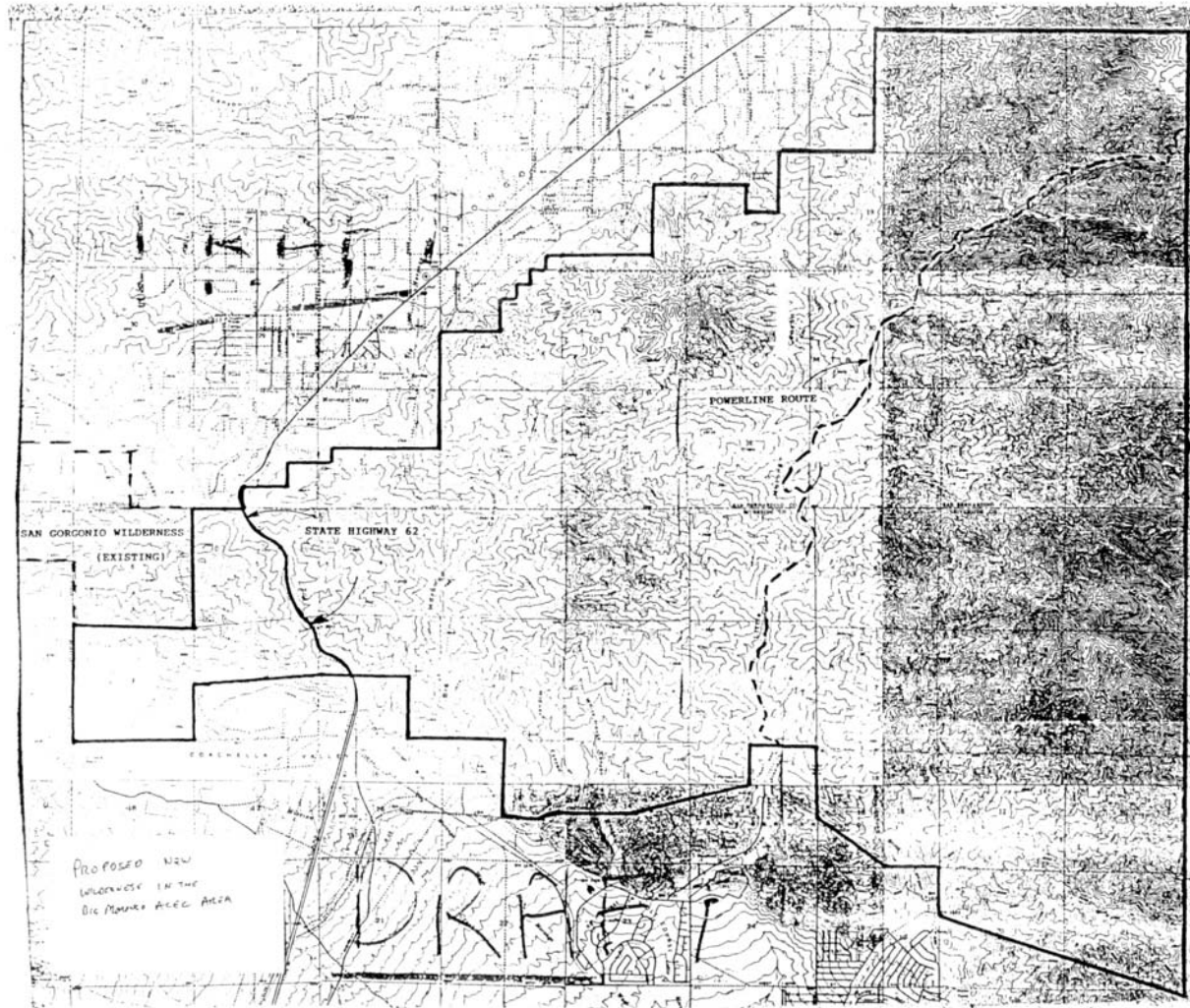
PC
019

PC
086

PC
219

PC
127

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



RECEIVED
BUREAU OF LAND MANAGEMENT
02 SEP -9 PM 3:45
PALM SPRINGS-SOUTH COAST
RESURGE AREA

September 5, 2002

Jim Kenna, Field Manager
BLM PS- South Coast FO
POB 581260
North Palm Springs, CA 92258

BY FAX – ORIGINAL BY MAIL

Re: Draft CDCA Plan Amendment for the Coachella Valley, Draft Trails Plan and DEIS

The following are Sierra Club comments on the BLM Draft EIS/CDCA Plan Amendment for the Coachella Valley/Santa Rosa & San Jacinto Trails Plan ("the Plan" or "the DEIS"). We hereby incorporate our earlier written or verbal comments on this amendment and its elements.

- The Plan as a whole is lacking in the requisite information on which to judge its various alternatives. BLM contends that this is not an "action level" plan and therefore specific information is not needed. We disagree. How can a reviewer possibly weigh the effects of proposed restrictions on camping near water source for Peninsular bighorn sheep (PBS) when their water source have not been mapped? How can a reviewer weigh the effect of BLM's habitat conservation areas when they clearly depend on the boundaries proposed in the upcoming Coachella Valley MSHCP? How can a reviewer judge the potential affects of proposed route designations and OHV areas on adjacent existing or proposed wilderness areas when neither the proposed open routes/areas or adjacent sensitive areas have not been adequately mapped? Maps and data are entirely missing for some issues, or for other issues are too large a scale and do not give adequate reference points to be understandable. Most importantly, information on interrelated habitat plans is not yet available.
- Initially, and throughout the Coachella Valley MSHCP planning process, BLM announced its intention to produce this Plan simultaneously with the Coachella Valley MSHCP ("CVMSHCP"). By its own admission, BLM has rushed forward to complete this plan ahead of schedule, simply to avoid having to perform route designations and close one road, the trespass road across BLM land from Royal Carrizo to the Dunn Road. In other parts of the California Desert, BLM has done route designations in the absence of a full Plan amendment for the area in the West Mojave. We object to BLM pursuing this Plan amendment prematurely; it is impossible to weigh its effects without the CVMSHCP information on which



CALIFORNIA / NEVADA REGIONAL CONSERVATION DESERT COMMITTEE
Protecting the Desert

this amendment relies. Emails between Sierra Club and BLM regarding this issue are hereby incorporated by reference. Thus, BLM has now produced a Plan that is out of sync with the other interrelated habitat plan(s). It is unable to provide essential information on which to judge the effectiveness of this Plan.

- As outlined above, the public does not have adequate information to review the proposed alternatives without reviewing them in context with the Coachella Valley MSHCP, which won't be released until next year. Many trail management actions are dependent on the CVMSHCP. More importantly, information on the proposed CVMSHCP reserve design, boundaries and implementation measures is needed in order to analyze the Plan's proposed route designations, special area designations, etc.
- Not only is it necessary to analyze the Plan in context with the MSHCP; it is essential to analyze it in context with the Agua Caliente Band of Cahuilla Indians ("ACBCI") HCP. Management of resources on BLM land does not occur in a vacuum. ACBCI lands constitute a large and integral part of the Peninsular ranges ecosystem in the Plan. See the Santa Rosa and San Jacinto Mtns National Monument map, herein incorporated by reference. Regarding Wild Horse and Burro Management, the Plan does propose coordination with the Tribe, but generally the Plan ignores Tribal lands and actions in its analysis.
- Under Conservation Objectives at 2-9 and 10, the Plan states that BLM lands were categorized based on habitat types and that objectives were established to meet the resource needs of each type. Only a map of "General Habitat Types" is given. The Plan gives no further elucidation as to what sensitive, threatened or endangered species are located therein, and where they are located, what percentage of historic habitat is represented, whether or not it is viable or fragmented, what the existing or proposed land uses are, etc. There are roughly two dozen species slated to be covered by the CVMSHSP. The Plan gives no the reviewer no specifics on which to judge its conservation objectives, special area designations, etc.
- The Plan states that conservation areas refers to special designations "within the conservation system approved by BLM in support of the CVMSHCP" [abbreviation added]. What does that mean? Is this "conservation system" the same, or is it more or less than the CVMSHC. Does the "Potential Coachella Valley Wildlife Management Area" coincide with the Fish & Wildlife Service proposed CVMSHCP reserve design, some smaller iteration, or neither? The Plan's language is ambiguous, and the text and maps are inadequate, and, again, CVMSHCP preferred preserve boundaries are not yet available.
- PP 2-29 and 2-30 are missing from a number of copies of this Plan. We had to request them. These pages contained the Plan Maintenance, Plan Implementation, and Policy and Management Guidelines. How many copies of the Plan were short?

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

- The 2000 Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California, made specific recommendations for seasonal trail closures in the Coachella Valley area in order to promote recovery of PBS. Plan fails to analyze a full range of alternatives for Trails Management. Specifically, there is no Recovery Plan Alternative for trails. BLM contends that the Recovery Plan is only a guidance document and that it is not necessary to reflect its recommendations as written. However, the Recovery Plan represents years of works by PBS biologists having decades of experience, and it is very specific on the subject of recreational trails around the Coachella Valley. Therefore, Sierra Club and the wildlife agencies have repeatedly requested that there be a Recovery Plan alternative that follows the Recovery Plan accurately. Instead, the Plan proposes a watered down version of the current condition (Alt A), a watered-down version of the Recovery Plan (Alt B), and then makes a quantum leap to a "shut everything down" version (Alt C), and then gives No Action (Alt D). This leaves the reviewer with an "all or nothing" type of choice regarding recreational trails in PBS habitat. Moreover, the reviewer receives no accurate idea of what the Recovery Plan actually recommends, or how its specific recommendations would compare with the altered versions presented in the Plan.
- At 1-15 and 16, the document fails to name the Recovery Plan as one of the policy documents guiding this Plan/DEIS.
- The Plan's discussion of the Sikes Act Plan is not informative. The Plan purports to fulfill the Sikes Act Plan objectives, yet the Sikes Plan called for removing trespass roads and trails. The Dunn Road was built in trespass, and BLM sued Mike Dunn regarding this trespass in the 1970s. Yet the Plan proposes to maintain this trespass road. This inconsistency has to be analyzed.
- The Plan also alludes to certain "modifications" of the Sikes Act Plan it proposes. What are these modifications? The Plan needs to spell that out.
- The Plan needs to report that the monitoring data gathered during the two seasons of voluntary closures demonstrates that the voluntary closures do not work. Data has shown that there is a high percentage of disregard of these voluntary closures. On busy trails, such as Art Smith, large numbers of trail users continue to disregard the voluntary closures and continue to recreate in prime lambing and parturition habitat during the lambing season. The environmental analysis fails to acknowledge this fact and to analyze its probable impact to PBS if it continues to occur. We hereby incorporate Sheep Ambassador and law enforcement ranger records by reference, however, the Plan should provide this information, or at least an objective summary of it, to the public for review.
- The Plan's information about the current required voluntary closures is incomplete. Closure of Cathedral Canyon itself, in addition to Cathedral Canyon Trail, is required by the Stipulation among BLM and Sierra Club/Center for

Biological Diversity/PEER ("Stipulation"). The Stipulation also calls for hot season closures, and advisories. The Plan needs to be accurate in its presentation of the existing situation, which will remain in force until the completion of the CVMSHCP.

- In the event that the CVMSHCP is not completed, at 2-25 the Plan asserts that the 1/01 (as revised 2/01) Biological Assessment (BA) will be the default activity level plan. It is our understanding that the Biological Opinion (BO) for that assessment has not been finalized, and furthermore there has been no public review of the above. Also, the Plan differs dramatically from the BA. If the Plan is to propose this BA as the default, it must include the BA and its BO and fully analyze them for public review and consistency with the Recovery Plan, this Plan and other interrelated plans.
- We concur that proposed trails restrictions should apply to areas, not specific trails. However, BLM's trails inventory is not complete. For example, omitted trails/routes include: Cedar Creek, Bullseye Rock, Mad Women Springs; Garnet Ridge; Toro Canyon; Agua Alta Canyon; Martinez Mountain; Sheep Mountain; Onion Springs.
- The Plan needs to provide better maps. For instance, where is the "second gate" on Dunn Road in Section 5? Where in Section 13 is the Bear Creek closure? Where, precisely, are the dog-permitted areas in PBS habitat? How do they differ from the temporary BLM dog closures and dog permitted areas currently in effect? Where, precisely, are the proposed new OHV areas, and how do they interface with sensitive areas such as wilderness? Also, potential new perimeter trail alignments should be mapped so they can be reviewed [for certain new trails and connectors in La Quinta, Palm Desert, Rancho Mirage, Cathedral City, Palm Springs new perimeter trails the "Ad Hoc" trails committee has provided them and will continue to provide them to BLM as they become available]
- The Plan fails to propose an effective process to deal with avoiding human intrusion too close to water source for PBS. For instance, the Plan proposes to prohibit camping within ¼ mile of water sources. What if the water source is ¼ mile below campers, within full view of campers? The Plan needs to identify water sources and do a comprehensive view shed analysis to determine whether trails or potential camping areas, etc. need to be further removed from water sources so that PBS do not avoid crucial heat stress season waters.
- All non-commercial, non-competitive, non-special use permits should be self issued at trailhead or made available by internet, phone or fax. If the intent is, as the Plan asserts, to use this information for monitoring and adaptive management, then BLM should make it as convenient as possible to obtain a permit. If the permits are inconvenient to obtain, BLM will not receive nearly as accurate information.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

- At the southern (top) end of the Dunn Road, the ideal place to physically control vehicles is at the existing southerly BLM gate which was carefully sited in a defile in S.16 precisely for the purpose of controlling motorized vehicles just two years ago. Now, however, the Plan proposes to allow vehicles miles north of this control point. The DEIS fails to analyze the feasibility of controlling vehicles beyond this new limit. If it proves infeasible to control access at this new point, the Plan's proposal would perpetuate Dunn Road impacts to PBS and other resources, including cultural resources. The Plan needs to address this.
- The Plan fails to justify continued motorized use on the upper Dunn Road. We hereby incorporate CDCA lawsuit, Dunn Road closure and appeals, etc. by reference. The Plan fails to fully analyze the benefits of closing Dunn Road permanently north of the gate in Section 16. Instead, the preferred alternative proposes perpetuating Dunn Road, giving rights of way, permitting recreational motorized use, etc. This flies in the face of PBS recovery.
- The Plan proposes to defer full CEQA/NEPA review of the proposed new perimeter trails until some uncertain future time, to be completed by local jurisdictions. This undermines the foundation for seasonal closure of the sensitive trails areas, since the preferred alternative actually conditions the seasonal closures on the construction of new perimeter trails. Either the Plan or the CVMSCHP must do full environmental review of the archeological, scenic, and any other impacts that are not covered by the BO for the Plan, impacts that could potentially be caused by new trails. Also, a cost analysis and implementation plan to ensure that these new trails come on line timely should be incorporated into the Plan.
- The Plan's proposal and timeline for implementing the new perimeter trails is too open-ended and protracted. It stretches out nine years, without any certainty that the new trails will actually come to fruition. Meanwhile, PBS would continue to be subjected to intrusion into sensitive lambing and water source areas at sensitive times.
- The Plan's phasing of the seasonal closures vis a vis the construction of new perimeter trails is inequitable. For example, the preferred alternative proposes that the trails in Cathedral City be seasonally closed upon completion of trails around Palm Desert. Where does this leave the citizens of Cathedral City? The phasing should coordinate the closure of trails in one city with the opening of new trails serving that city, not one 15 minutes away. This underscores the need for a funding and implementation plan for new perimeter trails. The implementation, phasing and sequence proposed in the Plan does not serve either PBS or trails users, and needs complete revision.
- The Plan fails to analyze the potential beneficial impact of new perimeter trails as avoidance barriers between more sensitive PBS habitat and the urban interface. Urban impacts have shown to be harmful and often deadly to PBS in recent years.

PC 161

PC 150 152

- As noted above the Plan fails to give locations and extent of proposed summer heat stress closures for PBS. Moreover, the Plan proposes that such closures be deferred pending the construction of new trails. Given the extreme low numbers of PBS and the water stress on them exacerbated by two years of drought, the Plan needs to analyze the alternative of making summer heat stress closures immediate.
- The Plan fails to consider historic PBS lambing and use areas. The Plan ignores the fact (as outlined in the listing) that PBS numbers are extremely low and that additional habitat for lambing, forage, etc. will be needed to accommodate the expanded population necessary for the long term recovery of PBS. Instead, the Plan simply takes the data points where PBS have been sighted recently and draws a line around them to protect that area only. This leaves much infrequently used but historically important PBS habitat, wide open to heavy recreational use. This proposal fails to ensure that adequate historic habitat will be unavailable for lambing, water season and other sensitive activities. This approach does not accommodate recovery of PBS. We hereby incorporate the PBS listing by reference.
- The "existing perimeter trail area" in the Murray Hill complex includes important water/ historic lambing areas. The plan to remove redundant trails in the Murray Hill complex is vague and needs definition. Since Eagle Canyon is in this complex and contains a permanent oasis with water, the Plan needs to analyze and alternative in which all trails within the immediate Eagle Canyon watershed and view shed are closed seasonally, upon construction of new perimeter trails.
- With regard to wild horse herd management areas (HMAs), the Plan asserts at 4/50 that it will eventually reduce the herd in the Palm Canyon HMA, presumably after the Agua Caliente Tribe takes it over as proposed. However, this assertion is contradicted by the discussion of the preferred alternative, wherein it is acknowledged that there may be support within the Tribe for maintaining the herd.
- With regard to advancing the knowledge of how non-motorized trail use affects PBS, BLM has been less than cooperative. Thus far, BLM has opposed allowing wildlife agencies to conduct manipulated studies of trails use and its effects on PBS on public lands (see various drafts of BLM 1/01 and 2/01 BA and supporting documentation). Since BLM opposes manipulative studies, wildlife agencies have not been able to conduct research on the impacts of trails to PBS, because hikers and riders could not be sent into PBS habitat at times and places appropriate for observing controlled interactions. It is nearly impossible to conduct research on the effect of trails on wildlife without the ability to manipulate trail users. BLM needs to unambiguously agree to allow manipulated trails use research if it truly wants hard data on the effects of trails use on PBS. The Plan fails to do so.

PC 090

PC 202

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

- The Plans asserts that 7000 visitors would be displaced annually by restriction of jeep tours on Dunn Road. This assertion needs firm foundation. Desert Adventures and its predecessor, Red Jeep Tours, were obligated to pay certain moneys to BLM based on use numbers. The Plan needs to make that data available. We hereby incorporate the Desert Adventures/Red Jeep Tours files by reference. Further, if it proves that 7000 people a year used this road that bisects the northern Santa Rosas and runs through sensitive lambing areas, this could easily explain the abandonment of much of the northern Santa Rosas by PBS in recent decades, and why the Dunn Road should be closed permanently.

PC
153

- The Plan asserts that closure of Windy Point, Iron Door, etc would "displace" OHV users where free play has become "informally established." Since when did illegal use become "informal?" Since when did enforcing the law become depriving someone of their rights? Does BLM really have to sacrifice an area in order to justify enforcing the existing limited use areas? The Plan performs no analysis of impacts to adjacent existing or proposed Wilderness or of the "magnet effect" of creating an open area and the mayhem that generally follows. Nor does the plan analyze whether or not opening an area in the extreme east of the Valley will stop problems in sensitive habitat areas such as the Coachella preserve or Windy Point at the extreme west of the Valley. Nor does the Plan analyze the effect of its route designations or motorized vehicle area designations on existing or proposed wildernesses or Joshua Tree National Park in general. We are enclosing herewith a map of the conservation organizations preferred potential wilderness for Joshua Tree National Park. The Boxer bill proposals are available on the internet and elsewhere.

PC
114
PC
129
PC
112
PC
125

- Contrary to the Plan's assertion, we have found areas in the adjacent Mecca and/or Orocopia Wildernesses where OHV users have intruded from the Drop 31 area. The Plan does not state any specific credible management plan to stop these existing intrusions, much less to prevent the far larger future potential intrusions that would occur if Drop 31 is legitimized as an open area.

PC
113

- The Mecca and Orocopia Wildernesses are conspicuous by their absence in the proposed areas requiring VRM at 2-5. Also, Joshua Tree National Park is in the NECO Plan and has not been assigned either.

PC
037

- The Coachella Valley is in gross non-compliance with PM 10 dust standards, and Plan asserts it will cut down on particulate dust emissions. In that regard, the Plan does propose to control OHV use at an area close to the Indio monitoring station. This is all very well and fine, but elsewhere in the Coachella Valley the Plan would increase emissions. How does the Plan justify its proposal for an ATV open area at Drop 31 and free play area at Dillon Road in this regard? Isn't this a violation of the SIP, and potentially other laws? What about the dust emissions caused by MUC designations, route designations, and other special recreational designations affecting Joshua Tree National Park's Class I air?

PC
072
PC
071

7

- There is not a preferred alternative given in the text or the summary for the Route Designations. Nor does the analysis examine what routes existed as of the 1980 Plan and which have been abandoned or are new. Only the map at 2-10b purports to represent the preferred alternative. No specific routes are identified. Although we commented on BLM's earlier route inventory (incorporated by reference), neither we nor the public reviewing this Plan have any notion of which routes are proposed open and which are proposed closed at this juncture. How can we weigh the merits of the alternatives without such information?

PC
135
PC
005

- What is the status of the Whitewater allotment? Has it been acquired for conservation? The Plan needs to answer this question. It also needs to substantiate its claim that closure of part of the Whitewater grazing allotment would eliminate 248 AUMS a year. It is understanding that this is the number of AUMS that are permitted, but that the actual use has been far lower. The Plan needs to provide hard data on the current status and prior actual use of this allotment.

PC
084
PC
085

- In its proposal to install additional water sources for desert (not PBS) bighorn sheep in the area of the Coachella Canal, the Plan fails to address the direct, indirect and cumulative impacts of these water developments on the recovery of desert tortoise and other sensitive species. It fails to address safety issues, potential predation, affects on wilderness, etc. It fails to analyze other potential alternatives, such as removal of tamarisk from existing waters. It relies on consistency with the NECO Plan, which is also grossly deficient in this regard. It relies on a yet-to-be-completed CDFG Plan, thereby piecemealing the analysis of the proposed action.

PC
101

- In general the Plan is confusing. For instance, it states that the preferred alternatives are highlighted in the Summary. We find no such highlighting. Just finding the preferred alternative for an issue such as route designations can be a challenge, when it is neither in the text nor the Summary. Plan maps are on a very large scale, with few reference points and scant information. The MUC map and discussion is confusing and be inconsistent with the Motorized Vehicle Area designation and the upcoming CVMSHCP for the Whitewater/ Snow Creek area, a key regional wildlife corridor. This corridor was called out by Michael Soulet as "the place where northern and southern California meet" [biologically].

PC
223
PC
005

- The Plan's analysis of Alternatives A, B and C impacts on PBS recovery is grossly inadequate. For instance, simply "limiting disturbance" to PBS may not be enough. Does the Plan provide protection for enough undisturbed habitat to permit survival and recovery of PBS? Does it have adequate mechanisms to adapt to needed changes? Furthermore, the Plan's proposed Trails Management Committee is dominated by local jurisdictions. Very likely their decisions about trails would mimic their historic attitude about development in PBS habitat, that is, consistently approving intrusions into habitat (witness the need for six Sierra

PC
167

8

*Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses*

Club lawsuits to protect PBS in the last dozen years). The Plan needs to have clearly defined goals which ensure long term recovery for PBS, as well as milestones by which certain actions have been successfully completed, and, if not, a commitment that the Plan's permit will be pulled.

In summary, the draft Plan is flawed in many ways, including but not limited to the following. It fails to consider a reasonable range of alternatives. As outlined above, it is confusing, incomplete and uninformative on many key issues. In some cases, as regards conservation areas for instance, it cannot be complete until interrelated HCPs are available. The Plan fails to adequately consider the cumulative effects of its proposed actions, since it considers only the actions proposed on BLM lands, not the vast acreages of private lands checkerboarded with federal lands in the Coachella Valley. The Plan largely ignores the impacts of its proposed actions on adjacent existing and proposed wilderness and National Park lands and air. It consistently fails to propose clear management plans for its actions or to analyze the feasibility thereof. We urge the BLM to revise this Plan to be consistent with the CVMHCP and ACBCI HCP when they are available, and to re-circulate it as a draft, with a new draft EIS to be consistent with NEPA and other applicable statutes.

Very truly yours,

Joan Taylor
Joan Taylor, Vice Chairman
California/Nevada Desert Committee
1800 S. Sunrise Way
Palm Springs, CA 92264

Enclosure

Joshua Tree Natl Park Entry

Benton Cyn Road (100' corridor)

Parker Cyn (100' corridor)

Scrub Entrance (100' corridor)

Conservation Proposed for Potential Wilderness Joshua Tree Natl Park

Existing Park Wilderness

9/5 Sierra Club
Enclosure



Whitewater Trout Company

9160 Whitewater Canyon Road Box 549
Whitewater, California 92282
Fishing (760) 325-5570 • Stocking (760) 320-7875 • FAX (760) 320-8343

September 4, 2002

United States Department of the Interior
Bureau of Land Management
Palm Springs-South Coast Field Office
690 West Garnet Avenue
PO Box 581260
North Palm Springs, CA 92258-1260

Gentlemen:

On Wednesday, August 28, we were notified by an interested party of your plans regarding Whitewater Canyon as outlined in your "Draft Environmental Impact Statement" for the Draft California Desert Conservation Area, Plan Amendment for the Coachella Valley. We have not received any direct notices of any kind regarding this study, despite the fact that any changes would have a major impact on our business and on the established eco-systems in this part of the canyon.

Nevertheless, after reading the statement, we are assuming that whatever action is taken, that the diversion that has existed on Section 15 since April 9, 1932 will not be effected. The area serviced by the diversion has developed an eco-system that is entirely dependent on this water, as is the very existence of the Whitewater Trout Farm. Since a stated goal is to "Maintain Hydrologic Conditions", satisfaction of this goal would require the continuance of the diversion to protect and maintain the established "Riparian/Wetland and Stream Function"

A direct response will be appreciated.

Sincerely yours,

Paul D. Adelizi

Paul D. Adelizi
Farm Manager



EXTRAORDINARY RAINBOW TROUT FOR ALL PURPOSES SINCE 1939

PC 070

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

RECEIVED
BUREAU OF LAND MANAGEMENT

02 JUL 17 AM 8 36

PALM SPRINGS-SOUTH COAST
RESOURCE AREA

45 Pheasant Drive
Ridgefield, CT 06877

10 July 2002

James G. Kenna, Field Manager
Bureau of Land Management
Palm Springs-South Coast Field Office
690 West Garnet Avenue
P.O. Box 581260
North Palm Springs, CA 92258-1260

Dear Mr. Kenna,

As a part-time resident of Idyllwild, I would like to submit the following comments with regard to the Draft Environmental Impact Statement (DEIS) for the Draft California Desert Conservation Area Plan Amendment for the Coachella Valley and the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan.

Generally speaking, I would like to see the Plan Amendment better emphasize the protection of native plants and wildlife as a paramount obligation. This responsibility is acknowledged in the DEIS, which includes "the recovery of federal and state listed species" and "avoid[ing] future listings of sensitive species" as two of BLM's management goals. In particular, it is particularly important that the Plan Amendment comply with legal requirements to protect the Peninsular Ranges bighorn sheep. The sheep was listed as endangered by the federal government in 1998; a recovery plan was completed by the U.S. Fish and Wildlife Service in October 2000; and critical habitat was designated for the species in February 2001. However, the alternatives listed in the Plan Amendment have various shortcomings in terms of fulfilling the BLM's obligations to the bighorn sheep under these provisions.

Grazing

Closure of the grazing allotment at Whitewater Canyon would become permanent *only* under Alternative C. Conducting further studies on the suitability of livestock grazing there, as stipulated by the preferred Alternative A, is superfluous. Ample scientific evidence already shows that grazing is incompatible with the protection of desert tortoise, arroyo toad, and other sensitive wildlife; with the health of riparian areas; and with the preservation of ecologically sensitive public lands in general. Livestock kills wildlife, tramples burrows, compacts soil, fouls streamside areas, and alters vegetational composition. Considering that Whitewater Canyon contains critical habitat for the federally listed arroyo toad, it is hard to see how grazing could possibly continue there without violating the Endangered Species Act.

ORV use

The preferred alternative, Alternative B, proposes an OHV open area at Drop 31. This overlaps with established bighorn habitat and is a poor choice. The restrictions on ORV use under Alternative C are better. In addition to not designating Drop 31 as an open area, Alternative C provides the best range of route closures since it is the only alternative to properly consider the contribution of ORV's to the severe air-pollution problems being experienced in the Coachella Valley.

In addition, contrary to the preferred Alternative B, the Dunn Road should be entirely closed to recreational ORV use. One of the goals of the bighorn recovery plan is to "manage road use to reduce or eliminate habitat fragmentation or interference with bighorn sheep resource use patterns" (2-25). The Dunn Road is an illegal road, established by trespass, which passes through important bighorn habitat. Even though the lower portion of the road is more important for bighorn than the upper part, implementing different management schemes for the two sections will invite non-compliance and frustrate enforcement. Existing recreational use does *not* legitimate ongoing use, and BLM has not justified any need for reopening the road other than for emergency or government vehicles.

Wild horses and burros

There is currently a herd of eight horses within Palm Canyon. The BLM acknowledges that these horses were illegally released freeze-branded horses, not wild horses under the legal definition, and that they are present within sensitive bighorn habitat. Yet it proposes (under the preferred Alternative B) to legitimate the horses' presence there through a land exchange with the Agua Caliente Band of Cahuilla Indians. It claims by spurious way of explanation that "there *may be* sentiments within the [tribe] to maintain these animals" (emphasis added).

This is an unacceptable weakening of the BLM's responsibility towards the bighorn, particularly since one of the goals listed in the species recovery plan is to "reduce or eliminate wild horse populations from bighorn sheep habitat" and since wild horses have been found to prevent bighorn from coming to water holes (4-54). Alternative C, which would remove the animals, is the only suitable alternative.

Coral Reef Mountains

Wildlife biologists acknowledge the presence of Peninsular Ranges bighorn sheep within this range of mountains bordering the Santa Rosa Mountains, yet the DEIS does not mention them and provides no management recommendations for the area. This would appear to be a serious omission.

Mitigation and buffer zones

According to the bighorn recovery plan, the BLM should be using mitigation money to buy land in the urban-wilderness interface as a way of protecting important habitat for the sheep. This is critically important in areas like La Quinta, where real estate developments are being proposed right up to the base of the Santa Rosa Mountains. Over 18,000 acres of suitable bighorn habitat between Palm Springs and La Quinta has already been lost to

PC 166
PC 173
PC 029

PC 083

PC
109

PC
150
PC 155

PC
088

PC
172

PC
108

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

urbanization and agriculture, according to the Fish and Wildlife Service. Yet there is no evidence of BLM having made the purchase of important tracts of land there a priority. I hope that whatever plan is eventually adopted will do better in this regard.

Socio-economic factors

The BLM claims that Alternative C "would substantially restrict opportunities for future economic development of the BLM-managed lands" and goes on to support preferred Alternative B. Other than by not creating an OHV open area, it is unclear how Alternative C reduces anything but the short-term exploitation of land and natural resources. Elsewhere, the DEIS correctly argues that the "protection of land health through the implementation of the proposed Plan amendments will have positive long-term economic impacts." In its socioeconomic analysis, the BLM should consider more stringent conservation recommendations to be an economic benefit, not a cost.

Trails Management Plan

Recreational opportunities are important, and I enjoy hiking and camping in the Coachella Valley area myself. But certain goals sometimes preclude others, e.g. "multiple use" is not always possible in every area. This principle is acknowledged by the BLM when it states that

Rarely do a wide variety of public uses occur on the same parcel of BLM-managed public land due to land use and resource conflicts. Generally, the BLM will designate certain public lands for one suite of compatible use and designate other lands for a different suite of compatible uses (DEIS 3-1).

Yet the DEIS and proposed Trails Management Plan do not always adhere to this philosophy. To protect bighorn sheep, large contiguous tracts of land must remain off-limits, and access to them must be restricted during important parts of the year. But, while most of the TMP alternatives propose limited restrictions on hiking and camping, the plan fails to adequately close trails through bighorn critical habitat.

Alternative B, the preferred alternative, would retain a voluntary system of seasonal trail closures despite high levels of documented non-compliance with existing closures. Rates of non-compliance on the Art Smith trail, which passes through bighorn habitat, were often in the 40 percent range – and this figure omits numerous hikers who were not questioned or spotted by survey-takers. These are unacceptable levels of non-compliance, and should not provide the basis for the continuation of the current system.

The BLM proffers the excuse that enforcement resources are not sufficient to institute a more stringent closure system, but this is not a valid excuse for failing to meet its conservation responsibilities for the bighorn.

Alternative B would also permit the use of the Art Smith and Boo Hoff trails two days a week just before and after lambing season (Jan. 15 to Feb. 15; May 1 to June 30). This is a compromise solution that will do little for the species while spurring further non-compliance. It cannot possibly meet the BLM's obligations under the species recovery

plan. Considering that the BLM's monitoring to date has not prevented non-compliance rates from remaining so high, how will they possibly control such a system?

Finally, the TMP declares that there is scientific uncertainty over the cumulative effects of human recreation on bighorn populations. Considering that nine of the eleven studies cited concur that there is indeed negative impact, this is a peculiar interpretation.

Conclusions

For the reasons listed above, the DEIS does not adequately comply with the recovery plan for the Peninsular bighorn sheep, nor does it provide the best possible range of alternatives under NEPA. However, Alternative C is the best of the four alternatives offered. It creates 23,631 acres of Areas of Critical Environmental Concern (ACEC's), more than any other alternative. And it institutes considerable restrictions on grazing and ORV use, which are essential to safeguard biological diversity within the monument.

Only Alternative C (with the significant modifications detailed above) would adequately protect ecological resources within the planning area, and more specifically move the BLM towards compliance with the recovery plan for the Peninsular bighorn sheep, a plan to which it is a legally bound signatory.

Thank you for the opportunity to comment on this document. Please place me on the mailing list for this planning process.

Sincerely,

Jonathan Cook

COMMENT FORM

RECEIVED **Routes of Travel Inventory**
BUREAU OF LAND MANAGEMENT **Permits to California Desert Conservation Area (CDCA) Plan**
Coachella Valley, California

02 AUG 26 PM 4: 17

Please review the 26 Draft Route Inventory maps that have been prepared as the initial step of the designation process for routes of travel on BLM-managed lands. At this time, your comments should be limited to accuracy and completeness of the route inventory. Are the routes on BLM-managed lands accurately depicted? Have some routes on BLM-managed lands been overlooked?

Please consider the following points when making comments:

- ▶ The designation of routes as "open," "limited," and "closed" applies only to BLM-managed lands. Hence, the inventory depicts only routes that in their entirety or in part occur on BLM lands. These are the only routes that have been numbered and have been highlighted with a green line. Routes entirely on non-BLM lands are generally not highlighted, although some are erroneously identified with a green line—the final maps will not highlight these routes. The routes entirely on non-BLM lands, however, are not numbered on the current maps.
- ▶ The inventory depicts existing routes of travel consistent with the following definition provided in the CDCA Plan, as amended: "An existing route of travel is a route established before approval of the Desert Plan in 1980, with a minimum width of two feet, showing significant surface evidence of prior vehicle use or, for washes, history of prior use." However, many wash routes will be addressed as a class, that is, they are not individually depicted on the route inventory maps and will be designated either "open" or "closed" as a class in certain areas.
- ▶ The designation of routes of travel in the planning area of the Coachella Valley Multiple Species Habitat Conservation Plan that overlaps the planning area for the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan) is deferred to the NECO Plan. The route inventory maps, therefore, do not depict routes in the overlap area.

All comments regarding the accuracy and completeness of the route inventory should be furnished on the reverse side. If you believe a route is inaccurately depicted or has been overlooked, please use the reverse side of this form to draw the route to the best of your ability. Additional instructions are provided on the reverse. Comments will be accepted through close of the public comment period for the draft CDCA Plan Amendment / Environmental Impact Statement, anticipated in late spring 2002.

Please provide your name, address, and telephone number below. In the event there are questions about your comments, we may need to contact you. Your comments are important and very much appreciated.

Name: STEVEN HARRIS

Address: 59511 U.S. HWY 111

Palm Springs CA. 92262

Telephone: 760-864-9445

Please send comments to:

**Bureau of Land Management
Palm Springs-South Coast Field Office
P.O. Box 581260
North Palm Springs, CA 92258
ATTN: Jim Foote
Telephone (760) 251-4800**

Please use one comment form per map. If you believe the location of a route is inaccurately depicted on the inventory map or know of a route that was overlooked, use the grid provided below for drawing the correction or addition. The grid *generally* corresponds to sections on the route inventory maps. Be sure to write the appropriate section number in the corresponding box of the grid where you have drawn a route.

Map name: WHITE WATER CALIF. 33116 H6

Route number, if applicable: _____

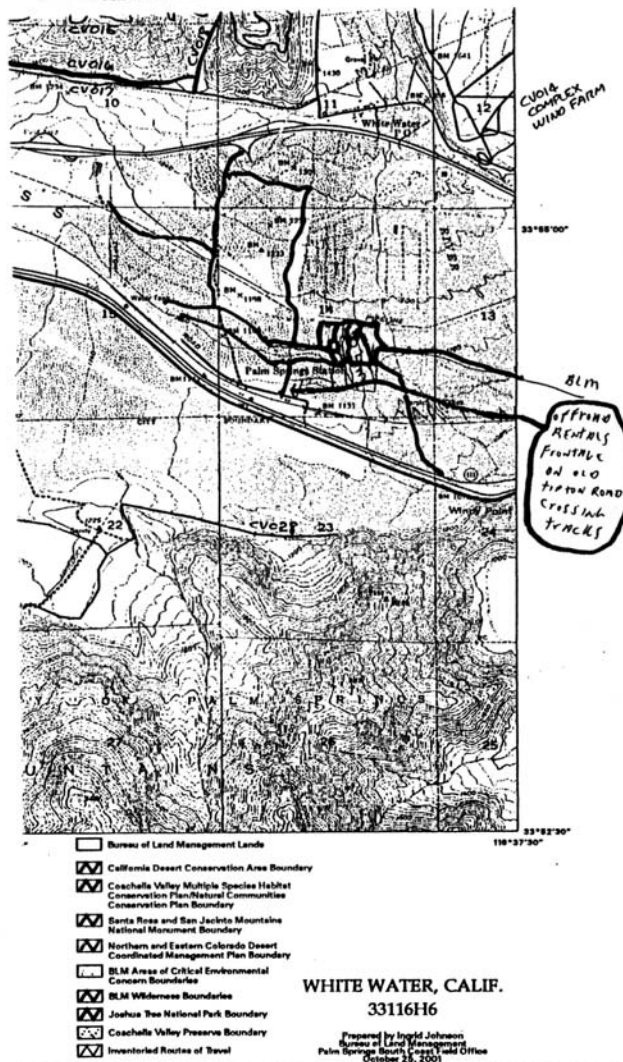
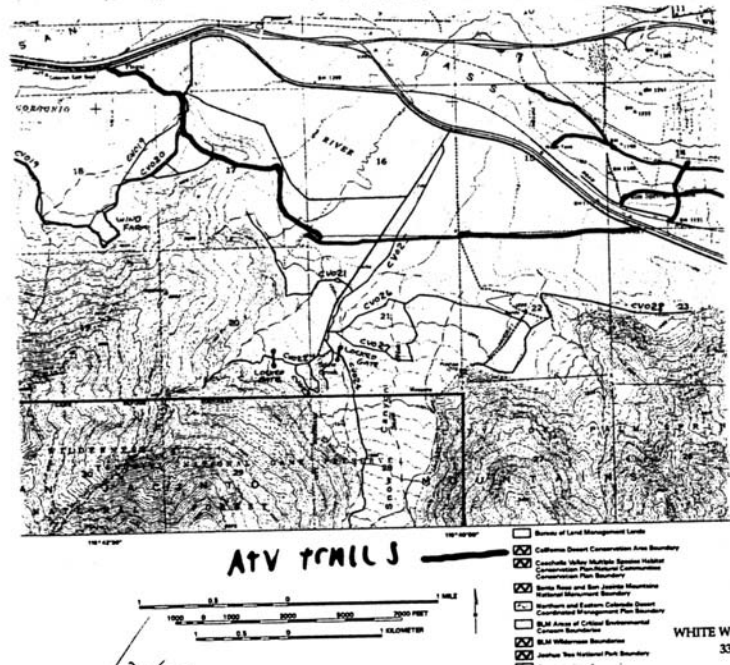
Comments (continue on a separate sheet if necessary). PLEASE DO NOT COMMENT AT THIS TIME AS TO WHETHER ROUTES SHOULD BE DESIGNATED "OPEN," "LIMITED," OR "CLOSED."

OFF ROAD RENTALS USES PRIVATE PROPERTY ADJACENT
TO BUREAU OF LAND MANAGEMENT PROP. ONLY. WE OWN
APPROX 40 ACRES IN SEVERAL PARCELS WITHIN SEC 14. THE TRAILS
ARE CLEAR THE WASH IS ON OUR LAND BUT OUR CUSTOMERS CROSS B.

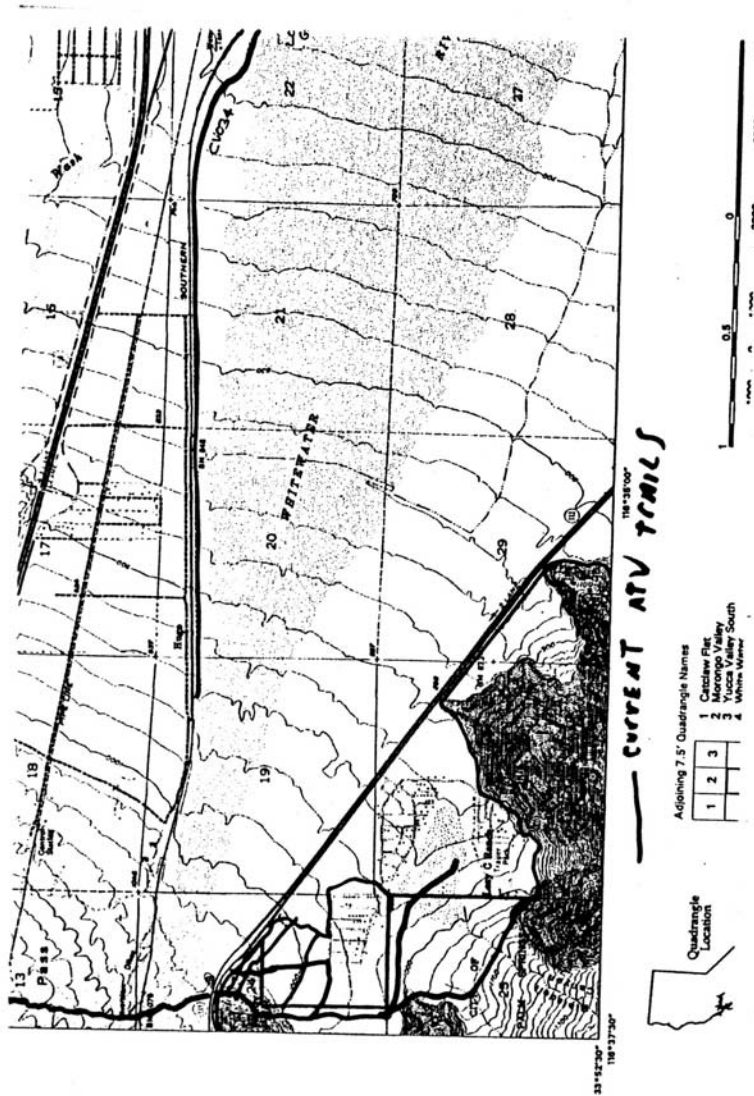
[illegible]

PC 137

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

09-03-02

Stephen Mascaro
P.O. Box 23-1148
Encinitas, Ca. 92023-1148

James G. Kenna
Field Manager
Bureau of Land Management
Palm Springs South Coast Field Office
P.O. Box 581260
North Palm Springs, Ca. 92258

Re: Comments on the Draft California Desert Conservation Area Plan Amendment for the Coachella Valley, the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan, and Draft Environmental Impact Statement (EIS)

Dear Mr. Kenna,

I have reviewed the Draft Plan/EIS and have noted a couple of issues I wanted to address. I am one of the owners of Section 35 T1SR3E SBM located up the Mission Creek's main channel and as an adjoining landowner, I am very interested in any changes in land classifications on BLM land near my property.

The Route Designation Proposals Table D-2 shows Route CV029 with a closure of 1.1 miles of road. I further reviewed a portion of map #4, which shows a gate in the western part of section 17 T2SR4E SBM (please see the enclosed map marked BLM MAP #4) this gate does not exist. The gate is actually located further west on Route CV029 approximately 1 mile at the west side of section 18 T2SR4E SBM (please see exhibit "A"). The portion of Route CV029 located between Highway 62 and the existing gate at the west side of section 18 (approximately 2 1/2 miles) is a Riverside County Maintained Road. This county road is essential for access to my private property located up Mission Creek. The fact that County of Riverside maintains this portion of the road is another advantage that I would not want to jeopardize.

In the Multiple Use Classification & Visual Resource Management under Alternative A, B & C the southern, half of Section 1 T2SR3E SBM becomes a Limited Use & VRM Class 2 Area. This makes little sense because my existing right away goes through the southwestern corner of this parcel. This existing road is in use and requires periodic grading & maintenance. This area of section 1 has also been a popular place for parking & camping. In addition, the Southern California Edison's high voltage utility lines go through the eastern half of section 1, with the needed access for repairs and maintenance & allowing for any expansion the above classification sounds like it missed the mark. Class M for Moderate use & a VRM Class 4 would allow the current uses to continue while still conserving desert resources.

Another of my concerns is Fire Management under Alternatives B & C the land around my property will be designated a Category B which will severely limit prescribed burns.

Prescribed burns would have helped this area tremendously during the past Verbania Fire. Because of the increased public access allowed by the Wildland Conservancy, the BLM should be more open to all fire preventive practices. The delays caused by BLM in getting approvals for California Division of Forestry (CDF) crews to enter BLM Wilderness almost allowed the Verbania Fire to burn through the entire area to the city of Morongo Valley.

One issue I am having a hard time fully understanding is the Potential Upper Mission Creek Area of Critical Environmental Concern. Table 3-2 on page 3-5 does not seem to match the information provided on Figure 2-6a or 2-6b. Figure 2-1 through 2-12 shows Hwy 62 to far east, which makes it tough to identify the particular sections involved in these areas on the maps. Using Table 3-2 on page 3-5, it identifies Sections 2 & 11 T2SR3E SBM as potential breeding habitat for the Southwestern Willow Flycatcher, Least Bell's Vireo, Yellow Breasted Chat, Yellow Warbler, and Summer tanager. I have driven through and hunted this area for over 30 years and I have not noticed the above-mentioned species. Section 2 is a dry wash with an occasional surface stream & section 11 has a small dry wash with gradual sloping hills that have a southeastern exposure. The vegetation is such that I believe it to be a very remote change that this area is indeed a breeding area. If Table 3-2 was actually referring to the south half of section 1 & all of section 12 T2SR3E SBM then I agree in part that section 12 has a possibility of breeding habitat even after suffering a small fire from a lightning strike several years ago. The south half of section 1 has a couple small southern facing canyons and in my opinion is not breeding habitat.

In looking through all the different alternatives, I must agree that Alternative D is the best choice at this time. A lot more work needs to be completed in preparing the Final EIS along with weeding through all the inconsistencies found in the Draft EIS. It is my opinion, that much more actual physical groundwork needs to be done before reclassifying any areas.

Sincerely


Stephen Mascaro

PC
050

PC
051

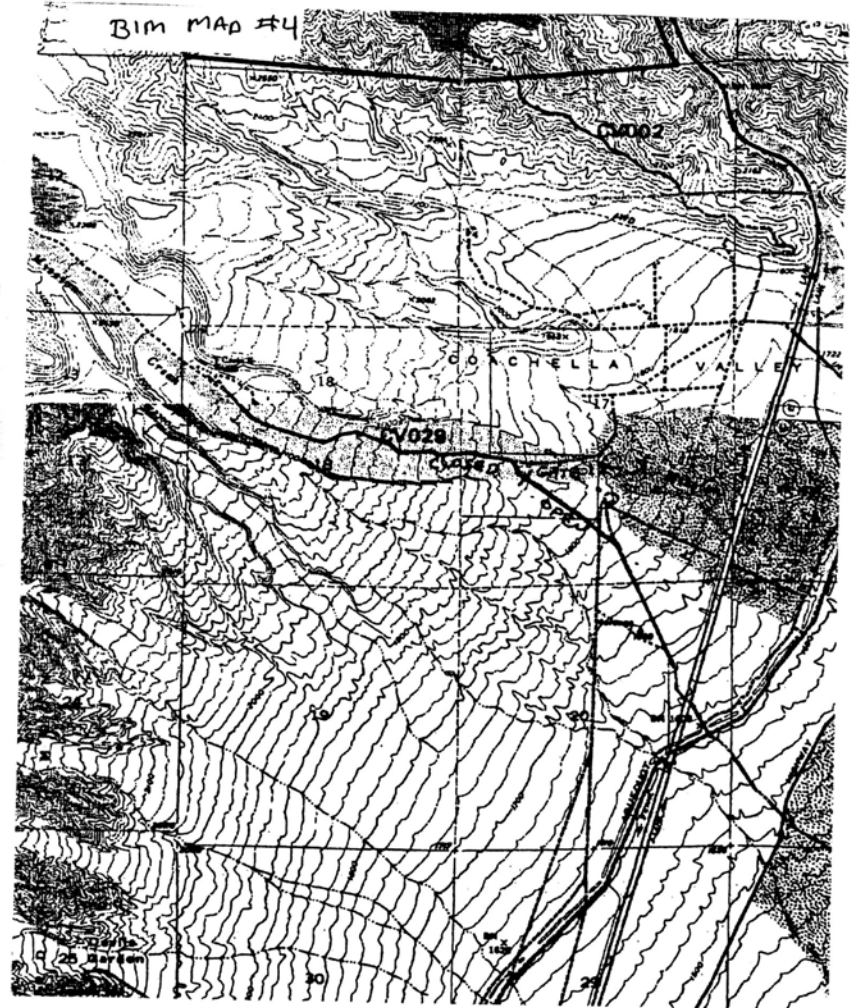
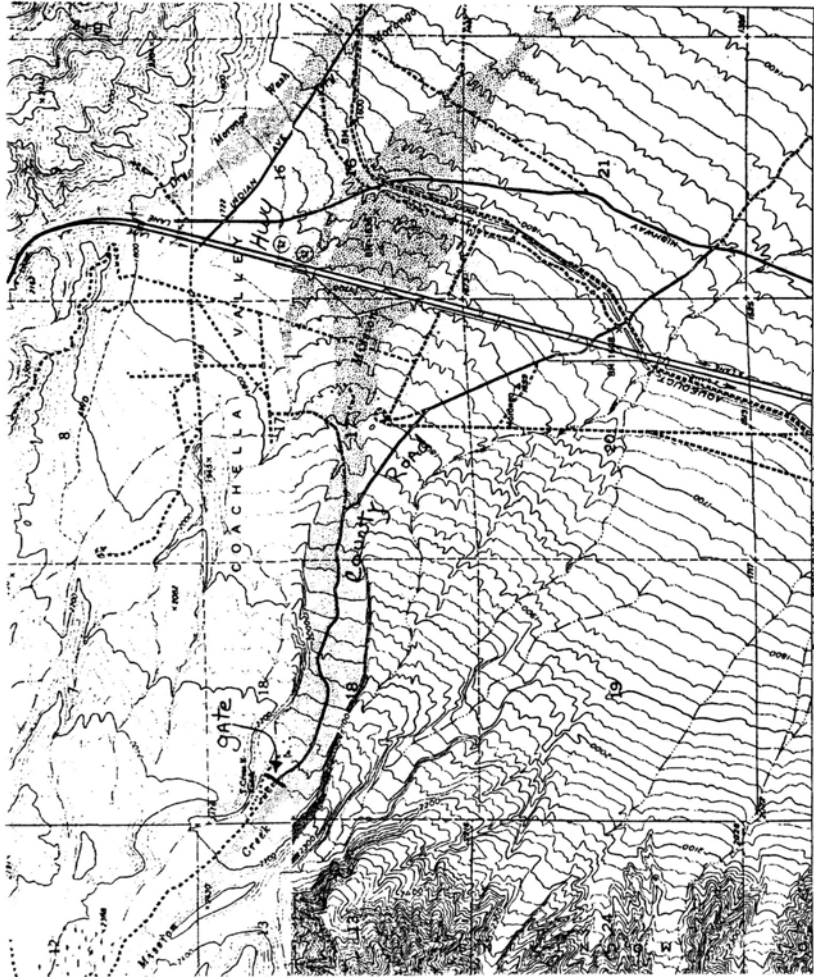
PC
050

PC
138

PC
036

PC
056

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

CERTIFIED COPY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PUBLIC MEETING
FOR
DRAFT BLM/EIS PLAN

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOCATION: City of Palm Desert
Council Chambers
73-510 Fred Waring Drive
Palm Desert, California

DATE AND TIME: Monday, July 22, 2002
6:00 p.m. to 6:50 p.m.

HOSTED BY: Elena Misquez

REPORTER BY: KATHY BAVERNFEIND, CSR
CSR NO. 11921

GILLESPIE REPORTING AND DOCUMENT MANAGEMENT INC.
3333 Central Ave. Ste. D, Riverside, CA 92506 • 909-882-5688 • Fax 909-882-4990
Email: grdm@earthlink.net



1 Palm Desert, CA Monday, July 22; 2002
2 P-R-O-C-E-E-D-I-N-G-S
3
4
5 MS. MISQUEZ: Kayla Thames? Please state your
6 name.
7 MS. THAMES: My name is Kayla Thames, and I am
8 the production specialist with the California Film
9 Commission. Thank you for the opportunity to comment and
10 give input to the draft plans today.
11 The California Film Commission is mandated to
12 attract, retain, and facilitate film production in the
13 State of California for the benefit of the state and
14 local economies. The film industry is a 32
15 billion-dollar industry that employs approximately
16 500,000 Californians. The industry is comprised of many
17 different types of film-making activities from
18 full-length feature films to student films, music videos,
19 commercials, still photography, and many others in
20 between. Still they all share something in common, and
21 that is the need to access public lands in California in
22 order to work.
23 As the BLM moves forward with this Draft
24 California Desert Conservation Area Plan Amendment for
25 the Coachella Valley, the Draft Santa Rosa and San

2

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 Jacinto Mountains Trails Management Plan, and the Draft
2 Environmental Impact Statement, the CFC asks that the BLM
3 be mindful of the impact and importance of filming to the
4 state and its local communities. In this capacity we
5 would like to consider any and all effects that the BLM
6 draft proposal would have on the film production
7 community, the local jurisdiction, and California
8 citizens that derive financial benefits from this
9 industry.

10 Under current federal law, use of federal lands
11 by a film production company is considered a commercial
12 use. This categorization limits filming on federal lands
13 because most other types of commercial operations that
14 occur under this category have a far greater impact.
15 Filming is an environmentally clean, short-term, and
16 noninvasive business and should be categorized as such.
17 The amount of film production from California has an
18 enormous impact on jobs and revenue in the state, and CFC
19 offers its assistance to work with the BLM in California
20 to address the needs of this important and often
21 overlooked and misunderstood industry.

22 I'm just going to end by saying that one of my
23 favorite commercial photographers, Ansel Adams, believed
24 that photography is and should be a democratic art form,
25 and that people are drawn to national parks and

3

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 206

PC 207

1 wilderness to find inspiration and beauty in nature,
2 believing the idea that exposure to the beauty of God's
3 creation enlightens and uplifts the soul.

4 MS. MISQUEZ: Thank you, Ms. Thames. If I
5 mispronounce your name, my apologies. Mr. Ralph Sargent.

6 MR. SARGENT: My name is Ralph Sargent, and I
7 represent a group of people that live out here in the
8 desert, Desert Side Tracks, a four-wheel drive club. I'm
9 the president of Desert Side Tracks, a four-wheel drive
10 club locally here in the desert. And we spend a lot of
11 our time on the weekends and in the evenings out
12 trail-riding or going to the mountains and such as that.

13 And as we watched over the past few years things
14 happening with the land closures and such, just with this
15 draft, we're seeing this happening, more and more access
16 to people has been limiting. And for most people, I mean
17 for young individuals they can get out and they can hike,
18 but as people grow older, as most of us are here, we all
19 experience we can't get into these areas without a
20 motorized vehicle. And I would hope to see out of this
21 whole plan that these trails per se would stay open so
22 that we can continue to be exercising our right, really,
23 to go out into our land and enjoy it.

24 I know there is an issue with -- we see
25 off-roaders as far as motorbikes and quads and stuff,

4

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 140

PC 211

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 they tend -- some, not all, but some tend to go out and
2 go across the desert and not even have any consideration
3 of the habitats. Our club, though, we believe in
4 education. Anybody that comes and joins our club or
5 associates with us, we continue to educate them on proper
6 trail etiquette and such, that I think that's really
7 necessary. And I think maybe that's where I say the
8 government per se, not just BLM or the state or anybody,
9 has failed. They don't educate the community as far as
10 off-roading goes and how the proper way to do it. Or
11 even here locally we have no open area per se to go and
12 enjoy those things. So my hope would be to see them open
13 an area and designate it, and two, at the same time the
14 trails here locally in the desert and mountains would
15 remain open for us so we have access to it. Thank you.

16 MS. MISQUEZ: Thank you, Mr. Sargent. Mr. Jim
17 Fitzpatrick.

18 MR. FITZPATRICK: Good evening, my name is Jim
19 Fitzpatrick. I'm director of Government Production
20 Affairs for the Motion Picture Association, which is
21 basically several major studios. Kayla Thames has
22 already spoken about most of the economic impact
23 situation, so I won't bore you with rephrasing how
24 important that is, but I might say that the studios have
25 always taken a position that we believe in conservation.

5

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 We believe in preserving what's there. We think that as
2 a commercial venture, the way BLM designates us, with
3 mining and grazing and everything else, that we've always
4 thought that was a little unfair because of the temporary
5 nature of what we do. We don't dig holes.

6 I'm not sure that some of you remember, but as
7 far as back in this last 10 decade, Bugsy, there is a lot
8 of other pictures that were filmed here. I myself,
9 before I wore a suit and tie, did four different TV
10 movies and a series and I actually lived here in
11 Cathedral City for six months with PS I love you.

12 So going back to 1989, I would say the economic
13 activity that I was involved in, involved quite a long
14 trend and all the desert areas. Not just Palm Desert,
15 not just Palm Springs, but Thermal, all the way up to Sun
16 Fair, and as far south as El Centro. We believe that it
17 is important for all to consider us as a player.

18 It's often not mentioned that we are an economic
19 and commercial activity that generates a lot of income,
20 does not leave things behind. In fact, often leaves
21 things better than they were and has been responsible for
22 actually doing some major clean-ups in the national
23 forest and other public lands where prior to that people
24 wouldn't -- no one was concerned with the clean-up of the
25 area. We need to make it look pristine so that we can

6

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 film, that's what draws us to the area. So I just would
2 like to have that considered.

3 And also, to -- in the CDCA, a particular note
4 to us as appendix D, the motorized vehicle access. We
5 can accommodate most any kind of road or -- I won't speak
6 to the trails, just to the CDCA in terms of roads, dirt
7 roads, etcetera. If it's a location that we need to film
8 at, and it doesn't lend itself to bringing 40-foot
9 trailers and large rigs, we will downsize if it's
10 something that people really want to go to, and we will
11 accommodate whatever vehicles are necessary to get to
12 that pristine location. So with that in mind, I just
13 want to say thank you very much for having us. We drove
14 all the way down here from Encino, but we thought it was
15 important enough to make sure you heard our comments.
16 Thank you.

17 MS. MISQUEZ: Thank you. Ms. Gayle Cady, would
18 you please come up.

19 MS. CADY: Good afternoon. My name is Gayle
20 Cady. I live at 82831 Avenue 54 in the new community of
21 Visa Santa Rosa. This afternoon I would like to mainly
22 discuss the issue of the trail systems and the Santa Rosa
23 and San Jacinto Mountains with regards to the bighorn
24 sheep issues. I have with me this evening two articles
25 from the Desert Sun. One is dated May 22, 2002, entitled

7

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 "Bighorn not sheepish in water quest." Shown here, as you
2 may all have seen, is a picture of several different
3 sheep in front of one of our country clubs instead of in
4 the cliffs of our mountains.

5 Additionally, the second is dated April 5th of
6 2002. It's entitled "Mirada unveils habitat group."
7 This is a picture of Jim DeForge with the Bighorn
8 Institute, Representative Mary Bono, and Mirada project
9 director Chuck Strother. The main meat of this
10 particular article -- I'll just read you a couple of
11 excerpts from it. The developers are paying more than
12 \$1.5 million for sheep recovery and research efforts,
13 money they are required to pay in exchange for gaining
14 approval on the development.

15 That sounds really, really, really great.
16 However, it goes on to say, we're not questioning that
17 the area where they are going to build their development
18 historically is the best sheep habitat in the community.

19 That means, at least from my point of view, that
20 as long as you have sufficient money, you can live and
21 build and develop wherever you wish.

22 Additionally, although he wishes the Mirada were
23 never built because it sits on some of the best bighorn
24 habitat in the valley, Bighorn Institute Executive
25 Director Jim DeForge said he appreciates the developer's

8

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 effort to be a good neighbor.

2 This doesn't sit well with me at all. I feel
3 that if we are going to be responsible individuals in our
4 community with regards to the bighorn sheep, we should
5 allow the sheep to be in their best historical habitat
6 and stop the madness of building in the mountains.

7 I can appreciate the motion picture industry
8 being concerned about access to the mountains, both in
9 the San Jacinto and the Santa Rosa Mountains. Just for
10 factual information. I have here some statistics from
11 the Horse Industry Directory of 2002 that I acquired as a
12 member of the American Horse Council in Washington D.C.
13 The equestrian industry contribution to the United States
14 is greater than motion picture services, railroad
15 transportation, furniture and fixture manufacturing,
16 tobacco product manufacturing, and is only slightly
17 smaller than the parallel and other textile manufacturing
18 industries. There are 6.9 million horses in the United
19 States, both commercial and recreational horses. 725,000
20 are involved in racing, while 1,974,000 and 2,970,000 are
21 used in showing and recreation respectively. 1,262,800
22 are used in other activities, such as farm/ranch work,
23 rodeo, polo, police, etcetera.

24 By their own admission, with all their respect
25 to bighorn sheep experts, having read this report, having

PC 177

9

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 read and reviewed the bighorn report, having perused
2 other information with regards to the bighorn sheep and
3 their habitat, a couple of things come to mind. One, the
4 potential effects of aerial sampling and the condition
5 and perhaps reproductive success of large mammals.
6 Capture indisputably does cause stress and habitat
7 displacement to bighorn sheep. They go on to say that
8 the sheep have few if any long-term effects.

9 Secondly, research tells us that ewes are more
10 sensitive to the disturbance during the lambing season.
11 The last time I checked, the developments in the
12 mountains and the hills are pretty permanent. They are
13 there year-round. To me, that would be a definite
14 disturbance to the ewes. Causes of land mortality are
15 poorly understood. Capturing, collaring, monitoring
16 bighorn lambs provides cause-specific morality data.
17 Lambs are more subject to stress when captured. When you
18 capture a lamb, they stress out like any wild animal. I
19 personally have not worked with lambs. I have personally
20 worked with cattle, with horses, with ostrich and other
21 birds, and dogs and cats of course. My personal
22 experience has been that once you traumatize an animal,
23 whether that animal is of the human species or the animal
24 four-legged species, that particular individual is
25 traumatized forever. Maybe not to the degree that the

PC 193

PC 195

PC 195

10

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 animal was traumatized at the moment, but it never fully
2 recovers.

3 Additionally, once you drench a wild animal with
4 the human scent and then proceed to collar the animal,
5 frequently -- I have no data to support this -- but
6 frequently the mother, in this particular case the ewe,
7 might very well reject that baby. I've experienced this
8 with cattle, I've experienced this with horses, neither
9 of which were wild animals.

10 I might suggest an alternative to some of the
11 plans presented by the agencies that are here today. And
12 that is to perhaps reevaluate the value and/or the
13 injurious effect on hiking and riding horses in the
14 mountains of our community. Specifically, I live in the
15 eastern Coachella Valley, again, in a community Vista
16 Santa Rosa. Vista Santa Rosa is a 20-square mile area, a
17 newly formed community. We are essentially equestrian,
18 agriculture, and rural. We are trying very hard, very
19 diligently to keep it that way. We are bordered by one
20 of the largest conglomeration of horses and horse
21 activity in the country. The county employs 38,000
22 people in the horse industry. We have in Riverside
23 County, the largest group of horses in the state. There
24 is a Coachella Valley Park and Recreation, desert museum,
25 hiking, equestrian, and handicapped-provided project

11

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 195

1 going in at the entrance of Lake Cahuilla and south along
2 the base of Santa Rosa Mountains. There is really
3 nowhere else for the hiker and/or the equestrian person
4 to enjoy the beauty and awesome area that the Lord has
5 created for all us.

6 Additionally, to my knowledge, and I have heard
7 this repeatedly, a nonpredatory four-legged herd animal,
8 as in a sheep and/or a horse, is not afraid of a
9 nonpredatory four-legged herd animal. I can assure you
10 that the equestrians that I know, the hikers that I know,
11 in the mountains and on flat land, have no desire to
12 disturb the sheep. Probably more than anyone else, we
13 want to preserve the resources that are here for us to
14 enjoy.

15 So in closing, I would like to ask for, again,
16 to reconsider the Boo Hoff Trail, reconsider opening a
17 year-round access to the Boo Hoff Trail and the area
18 around Lake Cahuilla, Martinez Canyon, Cactus Springs,
19 Guadalupe. This is a prime, prime beautiful area that
20 will be well taken care of by those of us that live in
21 the community. Thank you.

22 MS. MISQUEZ: Thank you, Ms. Cady. Mr. Will
23 Lewis, will you please come up.

24 MR. LEWIS: Hello, my name is Will Lewis and I'm
25 also a member of the Desert Side Tracks, 4x4 club, and we

12

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 are a local club here that supports the conservation and
2 enjoyment of nature around here in the valley and in the
3 Coachella Valley. I think a lot of the focus here is
4 on -- appropriately so, on the conservation of the
5 environment. And I think we need to realize why we're
6 conserving the environment. Not only because it is a
7 wonderful thing, because we want to have it for our
8 future family to enjoy. And a lot of people that are
9 involved in the nature around us here get to see and get
10 to enjoy it; the people that are involved in outdoor
11 activities, such as hiking, equestrian, trail-riding, 4x4
12 events, respectively.

13 And a lot of trend I see lately, a lot of land
14 closures for national parks, where they are set aside
15 only to preserve animals and such. I believe that if
16 you -- this trend continues, we will not only see the
17 land closure, but also see extreme decline in the
18 interest of outdoor activities such as hiking, etcetera.
19 We have to realize the people who support these type of
20 outdoor events and areas, people of the core supports of
21 all these areas, are the people that contribute and they
22 are the ones that -- they are included in the activities,
23 they are the ones that partake in most of these
24 activities. Those are the people you need to listen to.
25 A lot of the voices that are being spoken in the

13

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 community are those who often speak in public forum.

2 However, I think a lot of the voices of the
3 people who really enjoy these areas are not being heard.
4 And either because they are not involved in the public
5 forum such as this, but they need to be heard and they
6 need to be realized that these outdoor areas need to
7 remain open so that we can teach our children, so they
8 can experience these things, so they can develop a love
9 for nature and develop something that they really learn
10 to respect. And if they can't see that area, if they
11 can't enjoy it the way it was intended, then there is no
12 way they can learn that, and truly learn to respect the
13 nature. Thank you.

14 MS. MISQUEZ: Thank you, Mr. Lewis. Greg
15 Mottino?

16 MR. MOTTINO: Mottino.

17 MS. MISQUEZ: Thank you, sir.

18 MR. MOTTINO: Good evening. My name is Greg
19 Mottino. I live in La Quinta and I'm also a member of
20 the Desert Side Tracks 4x4 club. As the other members
21 already spoke, they touched quite a few areas and I'm not
22 going to go over those same issues. One item that was
23 mentioned -- that Ralph mentioned was, with this new
24 proposed plan, that the areas are becoming less and less
25 accessible and closing down more and more areas. I feel

14

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 210

PC 213

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 that in the long term as far as what Ralph said, people
2 are getting older, myself, I'm in the wheelchair, I'm
3 unable to hike in these areas, and these areas are
4 beautiful. I enjoy them thoroughly. And the only way
5 that I can get into these areas is by a vehicle. And I
6 really do enjoy that kind of activity. And with these
7 proposed closures, there is going to be less access for
8 people in my condition. So again, I just want to voice
9 my concern that there is always a balance on these
10 issues. And closing everything --

11 MS. MISQUEZ: Can you speak up, please.

12 MR. MOTTINO: I just want to reiterate that with
13 this proposal that more areas are going to be closed,
14 that I think it should be reconsidered and strike a
15 balance and keep these areas open so people in my
16 condition would be able to see these areas by use of a
17 wheelchair. Thank you.

18 MS. MISQUEZ: Thank you, Mr. Mottino. Terry
19 Kay, would you please come up.

20 MR. KAY: Good evening. My name is Terry Kay
21 and I live in Sun City, Palm Desert. I didn't intend to
22 come here and make any comment, but I would like to ask a
23 question if I can, if somebody could answer a question
24 for me. Can I try it and see if you want to take it?

25 MS. MISQUEZ: We'll give it a shot.

15

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 141

PC 141

1 MR. KAY: This document, the Draft Environment
2 Impact Statement, indicates it's prepared by the
3 Department of Interior and Nova -- Terra Nova Planning
4 and Research in Palm Springs. Was Terra Nova the major
5 contributor to the text that I see in here?

6 MS. MISQUEZ: No.

7 MR. KAY: Who was the major contributor of the
8 text?

9 MS. MISQUEZ: BLM staff.

10 MR. KAY: BLM staff, it wasn't contracted out.

11 MS. MISQUEZ: Not all of it, no.

12 MR. KAY: Some of it was.

13 MS. MISQUEZ: Some of it was.

14 MR. KAY: I intend to take a better look at
15 this, but my concern, living where I do, in Sun City,
16 we're at the eastern edge of the lizard preserve, and
17 when I bought there six years ago, I was informed of the
18 wind condition, but I wasn't informed that the sand liked
19 to move as much as it does. And I wasn't informed that
20 the lizards like to have fresh sand. And I'm thinking
21 now that the preserve will enlarge itself to include Sun
22 City because all that sand is moving into Sun City and
23 I'm starting to see lizards where I live now.

24 So what I would like to suggest in this report,
25 some consideration be given to the people in this valley,

16

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 049

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 put up some kind of barrier so the sand stays with the
2 lizards where they like to have it and not in the
3 community where we don't like to have it. That's my
4 major concern about the sole operation. Keep the sand
5 where it belongs and let us get along without it. Thank
6 you very much for the opportunity.

7 MS. MISQUEZ: Thank you, Mr. Kay. Ms. Nancy
8 Madson, please.

9 MS. MADSON: My name is Nancy Madson and I live
10 in Thousand Palms. Specifically, in the zone 8 section
11 that was subject to some restrictions, a proposal to
12 restrict building a couple years ago. And we defeated
13 this proposal to restrict development in Thousand Palms.
14 We filled this room. And now it seems like this intended
15 proposal to restrict development in Thousand Palms,
16 although it got defeated, it is -- they are going about
17 it roundabout. The wild life agencies are getting what
18 they wanted, but just in a different way.

19 And this gentleman from Sun City, it's my
20 opinion that the preserve is in the wrong place. If
21 anybody is driven around the valley, the majority of the
22 blow sand is south of Highway 10 with the exception of
23 the part on the east part of the preserve that's blowing
24 into Sun City. And I've read some of the reports on file
25 in Riverside regarding this issue, the bureau of

17

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 049

PC 209

PC 048

1 land -- wait, excuse me. I forget.

2 I read two studies that say that more sand is
3 going to be blowing out into Sun City than will ever blow
4 into it from the other end. And what they are planning
5 on doing, I likened to putting a Band-Aid on a cancerous
6 mole. Not only is it not doing any good, but you're
7 doing harm in that you're not doing the right thing. And
8 any proposal now to buy up property in Thousand Palms
9 area could devalue property so people won't build, and
10 to restrict development in that area is not a solution.
11 You could raise all of Thousand Palms and you're not
12 going to get the sand blowing into the preserve that is
13 blowing out on the other end.

14 And I've always maintained that there is a way
15 to maintain the preserve within its own boundaries. To
16 move the -- physically move the sand, put up barriers at
17 the east end and move that sand back around so that sand
18 keeps blowing within the preserve and being fresh dunes
19 all the time, rather than carving the residents and
20 land-owners, developers in the Thousand Palms area.
21 Thank you.

22 MS. MISQUEZ: Thank you, Ms. Madson. Rachelle,
23 do you have any more names? Did anyone else want to
24 speak that has not had a chance to speak?
25 Mr. Fitzpatrick?

18

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 048

PC 049

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 MR. FITZPATRICK: I have a question.
2 MS. MISQUEZ: Yes, sir.
3 MR. FITZPATRICK: And I guess I forgot to
4 mention, it has -- I've been doing this three and a half
5 years, and I've seen a lot of closures, military bases
6 closed, and some other environmental and even some for
7 preserving wild life. What I never see in studies is a
8 follow-up study so that the conclusions that are
9 projected in this, what you think is going to happen --
10 or not you but whomever -- that two or three years after
11 this has been implemented, if it indeed will be, that
12 someone is then following up saying is this really true,
13 is this really -- are we improving this? Because there
14 are cases like this I can cite where that's not been the
15 case at all. And I think, you know, while science -- no
16 one is disputing the value of science and science is
17 good, but it's science of the moment. Historically the
18 sand has been here a lot longer than we have, so have the
19 animals, but the point is, three years from now are sheep
20 going to improve? For example, I remember when they --
21 MS. MISQUEZ: Would you like to come up?
22 MR. FITZPATRICK: Personally this doesn't have
23 to be on the record. But I remember when I was filming
24 here years ago and they were building up in Morongo and
25 everybody said it's going to destroy the bighorn sheep.

19

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 The sheep used to come out and feed on the grass and
2 drink the water and everything. Suddenly there was sheep
3 all over the place, you had to be careful. We couldn't
4 even film one day because the sheep weren't moving where
5 we wanted to film. So I just -- but everybody said back
6 in the late '80s, or mid-'80s, this would be the demise
7 of the sheep if we build this hotel. I just would like
8 to see a follow-up and have someone follow up and say, is
9 this really going to happen or is it not? Has it really
10 happened the way we expected it to, and if not, what's
11 going on now that all the people have been cleared away.
12 Okay. Thanks.
13 MS. MISQUEZ: Very good comment.
14 MS. MADSON: Off the record --
15 MS. MISQUEZ: I'll have you come up. Would you
16 like to come up?
17 MS. MADSON: Can I say something off the record?
18 MS. MISQUEZ: Of course.
19 (Discussion off the record.)
20 MS. MISQUEZ: Shall we bring this to a close?
21 You're welcome to stay and ask us questions, but we will
22 go ahead and bring this to a close. Some of you coming
23 from a distance, I'm sure you would like to get home.
24 Again, on behalf of BLM, thank for taking the time to be
25 here. Again, it should be in the final EIS. We'll

20

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 214

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 include the transcript of this public hearing. Thank
2 you.

3 (The proceeding was concluded at 6:50 p.m.)

4 -000-

21

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 R E P O R T E R ' S C E R T I F I C A T E

2
3 I, Kathy Bauernfeind, a certified shorthand
4 reporter, do hereby certify that the foregoing pages
5 comprise a full, true and correct transcription of the
6 proceedings had in the herinbefore-entitled matter of
7 July 22, 2002.

8 Dated this 1st of August, 2002, at Yucca Valley,
9 California.

10
11
12
13 
14 Kathy Bauernfeind, CSR No. 11921

22

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

CERTIFIED COPY

BUREAU OF LAND MANAGEMENT

PUBLIC MEETING

TUESDAY, JULY 23, 2002

PALM SPRINGS DESERT MUSEUM
LECTURE HALL
101 MUSEUM DRIVE
PALM SPRINGS, CALIFORNIA 92262

REPORTED BY: SONJA CHERNICK, CSR
CSR NO. 11504

JOB NO.: 59289

GILLESPIE REPORTING AND DOCUMENT MANAGEMENT INC.
3333 Central Ave. Ste. D, Riverside, CA 92506 • 909-682-5686 • Fax 909-682-4990
Email: grdm@earthlink.net



A P P E A R A N C E S

FOR THE BUREAU OF LAND MANAGEMENT:

ELENA MISQUEZ
690 West Garnet Avenue
P.O. Box 581260
North Palm Springs, CA 92258
(760) 251-4800

2

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1	<u>I N D E X</u>	
2		
3		
4	<u>COMMENTS</u>	<u>PAGE</u>
5		
6	MS. MISQUEZ	4, 18
7		
8	MR. MORGAN	7
9		
10	MR. GOMSI	14
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
		3
	GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.	

1 PALM SPRINGS, CALIFORNIA; TUESDAY, JULY 23, 2002

2 2:12 P.M.

3 -000-

4

5 MS. MISQUEZ: Good afternoon. Some of

6 you know me already, I know, but my name is

7 Elena Misquez. I'm the associate field manager

8 for the Bureau of Land Management Palm

9 Springs/South Coast field office.

10 I've been in the valley about 10 years.

11 And before I recently became the associate field

12 manager, I had been the planning environmental

13 coordinator. That's why I had a big hand in the

14 preparation of the document we're going to discuss

15 today.

16 With me today is Sonja from Gillespie

17 Reporting and Glen Norton who greeted you as you

18 came into the door. Glen is one of our park

19 rangers who patrols the Santa Rosa and San Jacinto

20 Mountains and also some of our wilderness areas.

21 This is the public hearing for the Draft

22 Coachella Valley California Desert Conservation

23 Area Plan Amendment, the Draft Santa Rosa and San

24 Jacinto Mountains Trails Management Plan and the

25 Draft Environmental Impact Statement for both of

4

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 those plans. That's this document here, which it
2 looks like you all have copies of that.

3 What was omitted, and with our apologies,
4 was Table 2-4 from the document. And we have
5 copies of those available for you at the table. I
6 see a couple of you have that already, which is
7 excellent.

8 The purpose, of course, of today's
9 meeting is to accept oral comments on both of
10 these documents. So far I just have Jeff signed
11 up to speak. But like I said, maybe we can do
12 this in more conversation style, as long as Sonja
13 can hear and record what you have to say.

14 I just want to give you a little
15 background about how your comments will be
16 incorporated into these two documents. It's a
17 little confusing in that we put an apple and an
18 orange together in one basket.

19 The California Desert Conservation Area
20 Plan Amendment is analogous to a general plan for
21 a city. So it doesn't include site-specific type
22 projects, but it provides overall land use
23 allocation for the public lands. And it only
24 applies to the federal lands.

25 The Santa Rosa/San Jacinto Mountains

5

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 Trails Management Plan is a much more specific
2 level plan, looking much more in detail as to
3 which trails will be available what time of year.
4 So it's much more detailed.

5 And for efficiency we've included them
6 both in the same draft EIS. When it comes to the
7 final, though, they will be separated, and I'll
8 explain how.

9 We hope to have the final Environmental
10 Impact Statement for the Coachella Valley
11 California Desert Conservation Area Plan out in
12 October.

13 The Santa Rosa/San Jacinto Mountains
14 Trails Management Plan is actually part of the
15 Coachella Valley Multispecies Habitat Conservation
16 Plan. That plan is due to come out, I understand,
17 sometime in the fall or it could be early winter.

18 But you will see this plan again, the
19 trails plan, in the Multispecies Plan when it goes
20 out for draft review. So it will go through two
21 rounds of draft review and comment.

22 The California Desert Conservation Area
23 Plan Amendment, the comments are due
24 September 5th. And you may submit them, of
25 course, in writing, fax, e-mail. Be sure to pick

6

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 up a copy of this news release for the details of
2 where and when.

3 That's all I have as an introduction,
4 unless you have some questions, or if you want to
5 just begin comments.

6 Jeff, would you like to begin? Would you
7 like to come down and provide us your comments?

8 MR. MORGAN: Can everyone hear me from
9 here?

10 MS. MISQUEZ: Well, for Sonja's sake, we
11 would surely appreciate it if you would --

12 MR. MORGAN: You want me to come down?

13 MS. MISQUEZ: Yes, sir. Thank you.

14 MR. MORGAN: My name is Jeffrey Morgan.
15 I'm a resident of Palm Springs, California. I'm
16 here representing the Sierra Club today. A couple
17 of introductory comments. I'll just go right into
18 them.

19 As the draft Environmental Impact
20 Statement tends to through one document (i.e.,
21 CDCA Plan Amendment for the Coachella Valley) and
22 the Santa Rosa and San Jacinto Mountains Trails
23 Management Plan, which are two separate issues,
24 they are only partially related. These issues are
25 further complicated by the relationship to other

7

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 plans.

2 It is our belief that these multiple
3 issues should have been addressed in two different
4 formats or two different drafts. So I'm going to
5 address trail issues individually or separately
6 from the CDCA Plan.

7 I'll start now with the Trails Management
8 Plan. At this stage it is almost impossible to
9 review proposal alternatives as they are presented
10 due to the fact that they are subject to
11 negotiations that are ongoing with regard to the
12 wildlife agencies regarding endangered species.

13 And the Trails Management Plan is being
14 prepared as an element of the Coachella Valley
15 Multispecies Habitat Conservation Plan.

16 Progress and development of the habitat
17 plan is at best still very much a work in
18 progress, and it may be months or even years
19 before it is adopted. There is the strong
20 possibility that it may fail completely and not be
21 adopted at all.

22 Additionally, the Agua Caliente band of
23 Cahuilla Indians are preparing their own plan
24 which may have very, very different plans for
25 trail use.

8

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 001

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 If the Coachella Valley Multispecies
2 Habitat Conservation Plan fails or if adopted in a
3 weakened form (i.e., major cities drop out of it,
4 the county drops out of it), in a manner that it
5 fails to live up to its name by not giving
6 sufficient protection to species and habitat, it
7 could be wide open to legal challenges that would
8 probably prove to be terminal for the plan.
9 That's the Coachella Valley Multispecies Habitat
10 Plan.

11 If the plan is not complete and fails,
12 the Trails Management Plan defaults to a
13 biological assessment. The biological opinion
14 from that assessment has not been finalized and
15 there has been no public review process for that.

16 Additionally, for all the trails, there
17 should be a recovery plan alternative. And that's
18 the Peninsula Bighorn Sheep Recovery Plan.

19 The range of alternatives presented goes
20 from minimal change, "A", to do nothing, "D", with
21 a preferred alternative, "B". Many of these
22 alternatives may not be in compliance with the PBS
23 recovery plan and should be redrafted. We will be
24 making more specific comments via letter prior to
25 the date the comment periods ends, which we

9

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 believe is September 5th, 2002.

2 That was the trails. This is just
3 general comments on the CDCA Plan in general.
4 Specifics comments I'll go through one at a time.

5 Wild and scenic rivers. We believe all
6 eligible segments should be added to the national
7 wild and scenic river system. To leave them out
8 when we have the opportunity (i.e., this new
9 plan), is clearly not -- I can't read my own
10 writing here -- not the way to go.

11 ACECs. We believe the Upper Mission
12 Creek area should be designated as an ACEC. This
13 would provide a greater level of protection and
14 preservation in this unique area, unlike the
15 existing Whitewater and Big Morongo ACECs,
16 preserving an important corridor for wildlife, a
17 regional wildlife corridor. Additionally, we I
18 believe the Dos Palmas area should be enlarged.
19 That's the ACEC area Dos Palmas.

20 Communications and Utilities.
21 Construction of new communication sites or
22 windmills should not be permitted within the
23 conservation areas. Utility companies should not
24 be permitted also in conservation areas. And of
25 all areas, careful study and assessment should be

10

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 039

PC 047

PC 018

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 required for any new facilities on BLM lands.
2 That takes in visual resources also.

3 Now we're getting there. Grazing. The
4 Whitewater grazing allotment has not had any use
5 since 1999, and the lands are showing some
6 recovery. To give them more time, 10 more years,
7 then reconsider grazing doesn't make sense. The
8 grazing allotment should be retired now it its
9 entirety.

10 It should be noted that although text in
11 the plan shows Alternative "A" as the preferred
12 alternative, on the map, Figure 2-H shows
13 Alternative "C", the entire allotment deleted as
14 the preferred alternative. So I guess you guys
15 must have thought about it at one time.

16 MS. MISQUEZ: Thank you.

17 MR. MORGAN: That is our position on
18 grazing. We will be following up on that very
19 strongly.

20 Motorized vehicle areas. There are
21 currently no open off-highway vehicle areas within
22 the plan area. Any such use is an illegal use.
23 Given air quality, noise, existing land uses,
24 wilderness and wildlife issues, there may not be
25 any suitable public lands for off-highway use

11

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 018

PC 086

PC 219

PC 127

1 available.

2 Windy Point is not an option as the area
3 is in the Santa Rosa and the San Jacinto Mountains
4 National Monument, which by law prohibits such
5 use. Other areas such as Willow Hole and Edom
6 Hill have ESP problems. That's endangered species
7 problems.

8 Iandora (phonetic) has adjacent land use
9 and PM-10 problems, and the Drop 31 is adjacent to
10 an existing wilderness area. To hope to prevent
11 off-highway vehicles from crossing over into the
12 wilderness is a pipe dream.

13 Far further study will need to be
14 conducted prior to opening the Drop 31 area in
15 regards to the adjacent wilderness before any
16 off-highway vehicle use in that area should be
17 considered. Generally, we don't think there is
18 anywhere suitable in the plan area for off-highway
19 vehicles.

20 Dunn Road and Dunn Road access routes.
21 Currently the Dunn Road and all access routes are
22 closed primary by locked gates, secondary by
23 signage. Additional closures have been made by
24 private landowners. The reasons for these
25 closures are many and myriad, but mainly revolve

12

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 127

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 around the Peninsula Bighorn Sheep issues.

2 Use of the Dunn Road is considered to be
3 a major factor in the decline of Peninsula Bighorn
4 Sheep in the Santa Rosa Mountains. Refer to the
5 recovery plan which is available from our official
6 U.S. Fish and Wildlife.

7 The best science today indicates that
8 Dunn Road remains closed until PBS have recovered
9 sufficiently to be no longer endangered. Dunn
10 Road and connecting routes should remain closed
11 with the exception: The access from pinions as
12 far north as the gate in Section 16 be open for
13 public use. This portion of the road is not
14 within any of the closed areas regarding Peninsula
15 Bighorn Sheep and will provide access to trails
16 that are not subject to seasonal closures.

17 The BLM preferred alternative and
18 portions of the road north of Section 16 and
19 between Royo Cariso (phonetic) and the common
20 boundary between Section 32 and 33, I think that's
21 correct, would not be appropriate, given the
22 current status of the Peninsula Bighorn Sheep.
23 Additionally, we believe there should at this time
24 be no commercial use (i.e., jeep tours).

25 We suggest you refer to the recovery plan

13

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 and consult with Fish and Wildlife and Fish and
2 Game regarding Dunn Road yet again.

3 Other roads. There are many spur roads
4 off the power line route. I guess you call it
5 kick-through trails in the Big Morongo ACEC. Many
6 of these little spur roads have been informally
7 developed in that area. These should be blocked
8 and closed and just keep the traffic on the power
9 line route where it's supposed to be. That's our
10 views on that one.

11 Another factor here, we don't seem to
12 have any wilderness issues addressed in this,
13 especially new wilderness areas and wilderness
14 study areas. There are several areas within this
15 plan area that are suitable wilderness lands,
16 especially in the Big Morongo ACEC. They should
17 be considered and brought into the plan as part of
18 the planning process. Thank you.

19 MS. MISQUEZ: Thank you. We appreciate
20 your comments.

21 Would anyone else like to provide
22 comments? Yes, sir. Would you please?

23 MR. GOMSI: I didn't sign up. Can I make
24 comments?

25 MS. MISQUEZ: Of course. Of course.

14

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 Sonja has your name?

2 MR. GOMSI: Yes.

3 MS. MISQUEZ: Okay. Why don't you come
4 down.

5 MR. GOMSI: Sure. Well, thank you for
6 letting me address this fine big audience here.
7 This is quite a document here. You should be
8 proud of this document here. I'm not sure all
9 that's in here. I haven't read it, but it's big.
10 A lot of stuff in here.

11 I'm Don Goms with the Coachella Valley
12 Mosquito and Vector Control District. I'm here
13 just to address some cojoining factors that might
14 interface with BLM open space endangered species
15 and the vector control community.

16 We have several diseases here in the
17 Coachella Valley that are spread by vectors.
18 Vectors are insects or rodents which spread
19 diseases.

20 One of them would be Hanta Virus spread
21 by rodents. Another is Arena Virus spread by
22 rodents also. Those are both wild rodents in the
23 area.

24 While I'm not saying control the rodents,
25 I'm saying we might want to have some educational

15

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 program in conjunction with trails and with BLM
2 and maybe posters or something like that letting
3 people know what to look out for and health
4 symptoms and those kinds of things.

5 Other factors that might interface with
6 us is mosquito breeding. Anywhere there's water
7 there will be mosquito breeding. I'm looking at
8 the plan here and I'm seeing wetland areas,
9 riparian habitats and wild rivers and wild and
10 scenic rivers.

11 Here we have ongoing almost every year
12 Western Equine Encephalitis. There are very few
13 human cases coming down with that, but it is an
14 ongoing disease we have here.

15 A new one coming up is West Nile Virus.
16 It's over on the east coast. It's making its way
17 into Texas as we speak right now. That one
18 affects -- many birds die from it. It affects
19 horses. Horses either die or are put down. And
20 there are some human deaths -- 13 to 18 deaths
21 over in New York. I forget the number.

22 They are anticipated to hit California
23 next year. And when it does come here, we have
24 large horse shows and the like with people. So we
25 need to take precautions for that.

16

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 212

PC 045

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 And with these waterways, we need to look
2 at ways to possibly manage some of the water, if
3 there's going to be mosquito breeding in those
4 areas and if they're going to be there enough
5 where people can get impacted, and just be aware
6 of that.

7 So again, I'm not saying control or wipe
8 out the whole environment. But we need to be
9 aware that there are human issues out there. You
10 know, I think maybe in a future plan some of those
11 things might want to be addressed inside there.

12 One of the other things is sand and
13 gravel mining is an area that does cause mosquito
14 breeding because sand and gravel mines
15 occasionally fill up with water, and the water
16 stays there for some time if they have a solid
17 bottom.

18 So if they're going to approve those
19 types of sand and gravel mines and they're near
20 any habitation of people, they need to be aware of
21 that and prepare for that in the future.

22 Those are the only things I wanted to
23 mention, and just let the group know that vector
24 issues are alive and well in the Coachella Valley.

25 MS. MISQUEZ: May I ask a question?

17

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 045

PC 062

1 MR. GOMSI: Sure.

2 MS. MISQUEZ: What can BLM do to help
3 manage and control mosquitos and these types of
4 diseases on the public lands?

5 MR. GOMSI: There's a variety of things
6 that can be done with water management issues.
7 Weed management. Sometimes weed management helps
8 out the wildlife, helps mosquito fish better.
9 Sometimes choked waterways aren't always the best
10 waterways.

11 There's a variety of things. I'm not the
12 total expert on all these types of matters. But I
13 would love to have a dialogue. We have an
14 entomologist that works with us. He worked with
15 UC Riverside and UC Davis researchers. If there
16 are some issues, I'd love to be able to comment on
17 them and have our staff have an input.

18 MS. MISQUEZ: Okay. Thank you. I
19 appreciate your comments. Maybe if I could get
20 your business card before you go today, I'd
21 appreciate that.

22 Are there other comments? No? Then I
23 think we can bring this to a close. You're
24 welcome to stay and ask any questions. Glen is
25 available. He has walked the trails quite a bit

18

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 and knows a lot about Bighorn sheep. So he can
2 certainly help you with that.

3 I can answer any questions you may have
4 about the CDC plan portion of it. On behalf of
5 Jim Kenna, the field manager, and myself and Glen
6 and the BLM staff, we appreciate your taking the
7 time to be here. Your input is very important to
8 us. Have a good evening. Bye.

9 (The meeting concluded at 2:35 p.m.)

10 --o0o--

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
19

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 REPORTER'S CERTIFICATE

2
3 STATE OF CALIFORNIA)

4) ss.

5 COUNTY OF RIVERSIDE)

6 I, Sonja Chernick, a Certified Shorthand
7 Reporter within and for the State of California,
8 hereby certify:

9 That the said meeting, taken down by me in
10 stenotype at the time and place therein stated,
11 was thereafter reduced to typewritten by
12 computer-aided transcription under my direction,
13 and is an accurate transcription of the oral
14 proceedings in this matter, to the best of my
15 ability.

16 I further certify that I am not in any way
17 interested in the event of this action and that I
18 am not related to any of the parties thereto.

19 DATED THIS 8TH DAY OF AUGUST 2002.

20
21 Sonja Chernick
22 Sonja Chernick, CSR No. 11504
23
24
25

20

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

CERTIFIED COPY

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN RE: PUBLIC MEETING TO)
GATHER PUBLIC COMMENT ON THE)
DRAFT CALIFORNIA DESERT)
CONSERVATION AREA PLAN)
AMENDMENT FOR THE COACHELLA)
VALLEY, THE DRAFT SANTA ROSA)
AND SAN JACINTO MOUNTAINS)
TRAILS MANAGEMENT PLAN, AND)
DRAFT ENVIRONMENTAL IMPACT)
STATEMENT (EIS) RELEASED FOR)
PUBLIC REVIEW JUNE 7, 2002.)
-----)

REPORTER'S TRANSCRIPT
OF
PROCEEDINGS

MEETING LOCATION: IMPERIAL IRRIGATION DISTRICT
Board Room
81-600 Avenue 58
La Quinta, CA

DATE AND TIME: Thursday, July 25, 2002
6:13 p.m. to 6:35 p.m.

REPORTED BY: DIANE L. MARTIN, CSR, RMR
CSR No. 8268

JOB NO.: 59301DLM

GILLESPIE REPORTING AND DOCUMENT MANAGEMENT INC.
3333 Central Ave. Ste. D, Riverside, CA 92506 • 909-882-5688 • Fax 909-882-4990
Email: grdm@earthlink.net



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R E S E N T

U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Palm Springs/South Coast Field Office
BY: ELENA MISQUEZ, Associate Field
Manager
JIM KENNA, Field Manager
RACHELLE HUDDLESTON-LORTON,
Wildlife Biologist
690 W. Garnet Avenue
P.O. Box 581260
North Palm Springs, California 92258
(760) 251-4800

PUBLIC SPEAKERS:

GAYLE CADY, Page 7
BETTY MANGAN SMITH, Page 10
JESSE MCKEEVER, Page 14

2

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 La Quinta, CA Thursday, July 25, 2002

2 P R O C E E D I N G S

3
4 MS. MISQUEZ: Good evening, everyone.
5 I would like to go ahead and get the meeting
6 started.

7 My name is Elena Misquez. I am the
8 Associate Field Manager for the Bureau of Land
9 Management, Palm Springs/South Coast Field
10 Office.

11 With me this evening is Jim Kenna, our
12 Field Manager; Rachelle Huddleston-Lorton, who is
13 our wildlife biologist; and Diane Martin, with
14 Gillespie Reporting, who will be recording your
15 comments and our meeting today.

16 This is, of course, the public hearing to
17 listen to your comments and concerns about the two
18 plans that we have out and available for public
19 review. They are both provided in this document.
20 This is, of course, the Draft Environmental Impact
21 Statement analyzing the Coachella Valley
22 California Desert Conservation Area Plan
23 Amendment; and, also, the Santa Rosa and San
24 Jacinto Mountains Trails Management Plan.

25 Now, these documents, of course, are

3

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 available in the back at the door if you don't
2 have one. It's available for 90-day public
3 review. It closes September 5th. If you would
4 like to receive a copy of the final document when
5 it comes out, please make sure your name and
6 address is on the green sheets in the back.

7 Let's see. I will give a little short
8 description of how your comments will be used this
9 evening. As I said, we have two separate plans
10 being offered to the public for review and
11 comment. The first one, the Coachella Valley
12 California Desert Conservation Area Plan is
13 analogous to a general plan for a city or the
14 county. So it provides general land use
15 allocation decisions, you know, and general land
16 uses.

17 The Trails Plan, of course, is much more
18 specific as to which trails, when they would be
19 opened or closed, or seasonally opened and closed,
20 and dog uses, and a variety of other factors that
21 we need to consider in trail use, in providing
22 trail use while still protecting the bighorn sheep
23 and other species. Because we have two separate
24 plans, when we go out with the final environmental
25 impact statement, that will contain, of course,

4

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 the transcripts from these meetings, it will
2 contain any letters or e-mails or faxes that we
3 receive, and comments on both of those plans.

4 However, the final EIS will contain the
5 Coachella Valley California Desert Conservation
6 Area Plan in a more -- it will incorporate those
7 public comments and probably with some adjustments
8 to the document itself, perhaps, but the Trails
9 Plan is actually part of the Coachella Valley
10 Multi-Species Habitat Conservation Plan. We
11 provided that Trails Plan in this document because
12 we wanted to benchmark the progress that's been
13 made through the many months of negotiations
14 between the cities, BLM, the Fish & Wildlife
15 Service, and Fish & Game.

16 So the Trails Plan will reappear when the
17 Coachella Valley Multi-Species Habitat
18 Conservation Plan is available for public review.
19 And I believe it's either late fall or perhaps
20 early winter is when they are targeting to send
21 that out. So that's when you will see that. And
22 then any changes made to the Trails Plan as well
23 as relative comments will be reflected there.

24 Any questions on just the process? The
25 plans? Is that pretty clear, the difference

5

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 between the two plans?

2 Okay. Good.

3 So I guess without much ado, I'd like to
4 get into the public comment portion of this
5 evening. If you would like to speak this evening
6 -- I must say, I only have one speaker, and many
7 more are welcome -- we ask that you please sign in
8 on the pink form in the back -- I see another one
9 coming. And this will help, of course, our court
10 reporter to get your name right.

11 Since we are not overwhelmed by a number
12 of people, we are not going to impose necessarily
13 a time limit on you, so we just ask that you be
14 considerate of the audience.

15 And I think without much further ado, I
16 think we will get started. And before we do, I
17 just want to say on behalf of BLM, myself, Jim,
18 and Rachelle, we appreciate you taking the time to
19 be here and provide us your comments. Your input
20 is very important to us.

21 So shall we -- Gayle, would you be so
22 kind to start us off?

23 MS. CADY: Sure.

24 Do I go up there?

25 MS. MISQUEZ: Yes, please.

6

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 MS. CADY: Good evening. My name is
2 Gayle Cady, spelled C-a-d-y. I live at 82831
3 Avenue 54 in Vista Santa Rosa.

4 This is my second response meeting to the
5 report that was issued by BLM and my third meeting
6 on basically similar subjects. I frequently talk
7 about the bighorn sheep issue, because, obviously,
8 that's a major issue with regards to trail access
9 for those of us that enjoy riding horses and/or
10 hiking.

11 This evening, however, I brought a new
12 article. This one is from Juneau, Alaska, and it
13 reads, "Studied to Death? Wildlife Research Often
14 has a Lethal Side."

15 This photograph, for those of you that
16 can't see, like myself, is a picture of a
17 helicopter chasing down some reindeer, elk,
18 whatever, moose, in the Alaska area.

19 Now, I just highlighted a few things.
20 One thing I must say, I have the absolute utmost
21 respect for those of you that have gone through
22 school and learned your profession. I am not
23 trying to say anything against the profession of
24 the biologists or anything. All I'm trying to do
25 is explain that maybe what we are all doing to

7

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 preserve endangered species may or may not be the
2 exact, perfect way to do it.

3 Anyway, a few things: The methods that
4 you use are set by the philosophy that you have.
5 If you think it's okay for an individual,
6 endangered species to die once in a while,
7 unfortunately, things like that, thought patterns
8 can turn into a self-fulfilling prophecy.
9 Wildlife researchers often underestimate the
10 effect they have on their subjects. This is from
11 a gentleman who teaches biology at the University
12 of Colorado. Wild animals are living on the
13 edge. They are trying to get food and water.
14 They are trying to survive. They cannot tolerate
15 stress.

16 Some of the things that have happened
17 when collars were attached to some animals, maybe
18 it's hot and maybe they were perspiring and the
19 collars began to itch, so they rubbed, and they
20 get sores, they get infected. In this particular
21 article, it talks about a polar bear that that
22 happened to.

23 Okay. Moving right along here -- okay.
24 It says, "Ethical issues aside, intrusive research
25 can change the behavior that scientists hope to

8

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 observe." Science journals are full of study
2 documentation, so-called instrument effects.

3 "Wind tags induced ruddy ducks to spend
4 less time courting and more time sleeping. Ear
5 tags on white-footed mice kept them from grooming
6 away their ticks. Mallards wearing one-ounce
7 radio transmitters rested and preened more,
8 started their nests later, and laid fewer and
9 smaller eggs."

10 Scientists have an obvious interest in
11 reducing the number of animals that are either
12 killed or injured in the process of study. All
13 too often we neglect one of the major options that
14 we have, and that is to leave the animals alone
15 and let the humans try and live in harmony with
16 the endangered species.

17 Okay. On the various selections with
18 regards to the proposals by BLM, there is a page
19 on trails, page 4-21, with regards to trail
20 rerouting. I am blessed with the position of
21 being the Trails Commission Board Member for
22 District 4 in Riverside County. I would very much
23 appreciate being onboard with any and all trail
24 issues with regards to BLM, endangered species,
25 multi-species habitat, biodiversity, et cetera,

9

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 only because I would like us to work harmoniously
2 together to map out either existing routes, such
3 as the Boohoff, or alternate routes that are
4 perhaps right now just pencilled in.

5 Thank you.

6 MS. MISQUEZ: Thank you, Ms. Cady.

7 B. Mangan Smith?

8 MS. SMITH: Oh, my goodness. I
9 haven't written my speech yet.

10 MS. MISQUEZ: Would you like someone
11 else to go first?

12 MS. CADY: Ad-lib, Betty. You're good
13 at that.

14 MS. SMITH: Like Gayle, I am from
15 Vista Santa Rosa. My name is Betty Mangan Smith,
16 82470 Avenue 54, Vista Santa Rosa.

17 Why do I feel I'm qualified to get up
18 here and speak to you people? Well, I worked for
19 four summers up in the heart of British Columbia
20 with the Canadian Guides. And I consider them
21 probably the best environmentalists I've ever
22 known. When they went out to get a tree, a
23 sapling, and bring it back to their cabin, they
24 would always mark it on the north side. And up
25 there in Canada, of course, you know, the moss

10

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 grows all the way around. We down here say it
2 only grows on the north side. But up there, it
3 grows all the way around. But they would mark the
4 north side of that tree, that little tree, so that
5 when they planted it -- guess what? -- it was
6 planted the north side -- the way it started was
7 the way it was planted around their cabin.

8 They used to -- they would watch
9 animals. They watched a wolf pack one time come
10 down and slaughter the caribou. They never
11 interfered. They just watched this, and they
12 waited to see if perhaps the wolf families would
13 come along, the infirmed would come along and
14 clean up the kill, but it never happened.

15 They had the time to just go and sit on
16 the mountainside and watch. And it never
17 happened. And it was strictly a sports kill. And
18 a lot of things like that that we city people
19 don't really understand or would try to interfere
20 with.

21 And as Gayle pointed out, there are
22 things that man creates when they are trying to
23 study these animals. I've been an animal lover
24 all my life, been around horses all my life. And
25 it's interesting the communication that you can

11

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 get if you just sit and take the time and are
2 aware. And I know that in these modern times we
3 don't have that kind of time. But you also cannot
4 sit in an office and do it in theory and out of a
5 book. It just doesn't work that way.

6 Let's see. I was getting down to --
7 okay. Closing areas. This is not always a good
8 idea, to keep people out. Because when you keep
9 the good people out, such as your horseback riders
10 who just meander along and do not go up and rope
11 the deer or goats or whatever, they are just out
12 to enjoy the landscaping, they observe. And most
13 of those people have a cell phone. And if you
14 allowed them to go into these areas and be your
15 scouts and report back on things, you would be so
16 much better off than trying to hire it done.

17 You can't, in those mountains, cover
18 everything. I've ridden them all. I am 72 years
19 old. I have lived here since '76. I rode these
20 mountains 15 years before that. So I know what
21 I'm talking about. They're big. There's
22 crevices.

23 And by the way, no lamb is going -- or no
24 ewe is going to lamb by a trail. Just doesn't
25 happen. The smell is there. They are aware of

12

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 traffic going through there. And the ewes will
2 get back away and get in safe predicaments.

3 Another thing is you can't expect your
4 lambs to survive when you are protecting the
5 cougar, who has to go home and feed its baby
6 cougars. There has to be a balance in everything,
7 and especially so in this field. Otherwise, it
8 doesn't work. You are going to have one
9 species -- you are going to try to protect the one
10 species and it won't work. You just really have
11 to have a balance.

12 As to closing these places, the Indians,
13 if you will remember, tried to close off Tahquitz
14 Canyon. Remember they went down and they closed
15 off and got all the hippies out of there and they
16 said, "That's it. We have had enough problems.
17 We are going to close it off." And they did for
18 many years.

19 Well, the homeless went back in there and
20 -- because no one was there to go in and see this
21 beautiful canyon and say, "You know what they're
22 doing?" This went on for years before the Indians
23 found out. And that was that the homeless were
24 lugging in cement and cementing in the wonderful
25 Indian canyons that were in there. And that went

13

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 on for years, because nobody took the time to go
2 in and see.

3 And so it's not always wise to completely
4 shut out the public. If you wanted horseback
5 riders to maybe apply for certain licenses, so to
6 speak, so that you know who they are and so forth,
7 I think it would be a good idea. Most of us just
8 want to go up and see what the area is like, and
9 if we ride it over and over and over a period of
10 time, we know if somebody has been up in that
11 canyon, we know if something has been disturbed,
12 if plants have been taken. You send a person in
13 there just periodically, they won't know that.

14 This is just food for thought. Maybe
15 good common sense. Unfortunately, it's
16 disappeared these days. But that's what I would
17 like to say.

18 Thank you.

19 MS. MISQUEZ: Thank you, Ms. Smith.

20 Mr. McKeever, would you like to come up?

21 MR. MCKEEVER: Jesse McKeever, 82550
22 Avenue 60, Thermal.

23 I kind of got off base here a little
24 bit. But I am impressed with your hours of
25 studies here.

14

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 If you look on page 2-7, there's a little
2 bit in here that I wanted to talk about. Being a
3 local water well and pump contractor, working with
4 the aquifer and pumping systems on a daily basis,
5 I'd like to make a few comments on our declining
6 water levels. And I can relate to this a little
7 bit.

8 Let's see. I am just trying to find a
9 well close to where we're standing here.
10 Jefferson and Avenue 58 is as close as I can get
11 to this building. In 1992, the water level was
12 130 feet. And in the year 2000, it was 175 feet.
13 That's a 45-foot drop.

14 And if we go up to White Water Canyon,
15 four years ago, it was 50 feet. And about two
16 weeks ago, it was about 85 feet.

17 And if we go back right up here next to
18 the wilderness area boundary, in 1985, we had a
19 water level of 159 feet. And this year, in March,
20 we had a water level of 205 feet. That's a
21 46-foot drop.

22 And this is right in the area of the CVWD
23 recharge area. So they are pouring it in, but
24 it's still being pumped out. And I know that this
25 has a lot to do with, I guess, La Quinta being

15

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 expanded. Because I know this was mentioned in
2 their impact report. You guys had a letter in
3 there. And this is a lot of work. And yet it
4 seems to me that there should be a book three
5 times this size on what little information I have
6 here on this one page.

7 So I think with the area growing larger
8 and larger, you know, it's going to affect the
9 wilderness areas and how the animals act. And,
10 you know, plus, we are lightening up the sides of
11 the mountains. And I don't see how that got
12 through, but it did.

13 But anyway, you know, there's -- you are
14 talking about stream channel size, appropriate
15 soils for geology and landscape and maintaining
16 the stream courses and water courses. And as all
17 these stream courses get covered up with
18 development, the areas up against the mountains
19 are more pervious and recharge has a hard time
20 getting into our groundwater.

21 So that's what I wanted to say. Thank
22 you.

23 MS. MISQUEZ: Thank you,
24 Mr. McKeever.

25 I have no more pink. I don't know if

16

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

PC 069

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

1 anyone else would like to speak. If not, I think
2 we will go ahead and close this formal portion of
3 our meeting.

4 We will stay for a while and be available
5 to answer any questions you may have. And, again,
6 on behalf of Jim Kenna, myself, Rachelle, and BLM,
7 we would like to thank you for taking the time to
8 be here and provide your input. For me, I know it
9 only makes the document better, and we do it for
10 you as public servants and want to do the best we
11 can.

12 So thank you.

13 (The hearing was adjourned at 6:35 p.m.)

14 -ooo-

15
16
17
18
19
20
21
22
23
24
25
17

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

1 R E P O R T E R ' S C E R T I F I C A T E
2
3

4 I, Diane L. Martin, a Certified Shorthand
5 Reporter, No. 8268, for the State of California,
6 do hereby certify:

7 That the said proceedings were taken down by
8 me in stenotype at the time and place therein
9 stated and was thereafter reduced to printing
10 under my direction.

11 In witness whereof, I have hereunto
12 subscribed my name this 30th day of July,
13 2002.

14
15
16
17
18
19
20
21
22
23
24
25
20
21
22
23
24
25
DIANE L. MARTIN, CSR No. 8268

18

GILLESPIE REPORTING & DOCUMENT MANAGEMENT, INC.

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

<p>RECEIVED BUREAU OF LAND MANAGEMENT JUN 28 PM 1:38 PALM SPRINGS-SOUTH COAST DESERT AREA</p> <p>In The Matter Of: BLM California Desert District Advisory Council Meeting</p> <hr/> <p>Hearing, Volume 2 June 29, 2002</p> <hr/> <p>Gillespie Reporting & Document Management, Inc. 3333 Central Ave. Suite D Riverside, CA 92506 (909) 682-5686 FAX: (909) 682-4990</p> <p><small>Original File BLM2 V1, 206 Pages Min-U-Script® File ID: 2383608954</small></p> <p>Word Index included with this Min-U-Script®</p>

<p>U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL REPORTER'S TRANSCRIPT OF PROCEEDINGS VOLUME II LOCATION: Barstow College Gymnasium Barstow, California DATE AND TIME: Saturday, June 2, 2002 8 a.m. to 3 p.m. REPORTED BY: JUDITH W. GILLESPIE, CSR, RPR CSR NO. 3710 JOB NO. 5925AUG</p> <hr/> <p>(1) APPEARANCES (2) (3) (4) MEMBERS PRESENT (5) EILENE ANDERSON WILLIAM A. BETTERLY (6) HOWARD J. BROWN DENNIS CASEBIER (7) SHERI DAVIS ROY DENNER (8) JERI FERGUSON RON KEMPER (CHAIRPERSON) (9) WALLY LEIMGRUBER JON MCQUISTON (10) RANDY RISTER PAUL SMITH (11) (12) STAFF PRESENT (13) LINDA HANSEN TONY DANNA (14) GREG THOMSEN MOLLY BRADY (15) JIM KENNA ED LARUE (16) LARRY LAPPE MIKE POOL (17) DORAN SANCHEZ HECTOR VILLALOBOS (18) (19) (20) (21) (22) (23) (24) (25)</p>	<p>(1) INDEX (2) (3) AGENDA ITEM: PAGE (4) (5) RECONVENE MEETING 264 (6) SELECT NEXT MEETING DATES, LOCATIONS, TOPIC 264 (7) DISTRICT PLANNING EFFORTS 284 (8) CROWNEWECO 285 (9) KENNA/COACHELLA 310 (10) THOMSEN/NECO 330 (11) PLAN IMPLEMENTATION (FACILITATED DISCUSSION) 364 (12) COUNCIL INVOLVEMENT IN FUTURE PROJECTS 413 (13) PUBLIC COMMENT 379 (14) MEETING SUMMARY 427 (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25)</p> <p>Page 263</p> <p>(1) Barstow, CA Saturday, June 29, 2002 (2) (3) PROCEEDINGS (4) (5) (6) CHAIRMAN KEMPER: At this time I would like to (7) go on the record. And I know it's not on the agenda, but I (8) guess let's do the Pledge of Allegiance. (9) (Pledge of Allegiance recited.) (10) We are open for discussion for the time being (11) for the next meeting. And if it be the Council's pleasure, (12) maybe we could not only talk about that, but the rest of the (13) calendar for the rest of the year might be helpful. (14) MS. HANSEN: I just would like to suggest to (15) the Council that because of the timing of doing things like (16) Federal Register notices and the logistics of putting these (17) meetings together, I think the earliest time that you should (18) look at is about — no sooner than 90 days in advance of (19) this date. It takes 60 days to get the paperwork done. And (20) that would give you an appropriate, then, timing for (21) notification to the public. So I would just suggest you (22) start with that as your earliest. (23) CHAIRMAN KEMPER: You are suggesting (24) September. Does anybody have conflicting dates from the — (25) let's say from the middle of September to the end of</p> <p>Page 262</p> <p>Page 264</p>
--	--

Gillespie Reporting & Doc. Management Min-U-Script®

(3) - Page 264

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] if the closure of the wilderness is even protecting the
[2] species

[3] And again, I'm going to go back to what Randy
[4] said. Here we have closures for years and years and years,
[5] and we are still being — the motorized access community is
[6] still being dinged for the desert tortoise declining. And
[7] yet there aren't any reports or proof of that

[8] **CHAIRMAN KEMPER:** Okay, Dick, can we move on
[9] with the presentation? Thank you very much

[10] **MR. KENNA:** I'm Jim Kenna. I'm the field
[11] manager in Palm Springs

[12] Before I launch into Coachella, and I don't
[13] want to belabor the argument, but I do hope people will look
[14] at what was done in the final relative to routes. Most of
[15] the comments — and I think Jeri, we were or tried very hard
[16] to be very responsive and added routes and moved routes from
[17] closed to open. And I hope people will take a look at that.
[18] Look at the fact that there is over — a route network of
[19] over 5,000 miles in the desert. And we did try to look at
[20] things. And I do think we —

[21] **MEMBER DENNER:** The net result is still a
[22] reduction in routes

[23] **MR. KENNA:** I don't mean to argue with you
[24] I hope people will take a look at that. And Jeri, I hope
[25] you will remember our trip out to Rice Dunes and the

Page 310

[1] conclusions we made on-site with you and Ed. My purpose
[2] really is to talk —

[3] **MEMBER FERGUSON:** It wasn't me by myself.

[4] **CHAIRMAN KEMPER:** If I can take just a
[5] minute. Let's allow the District Manager to give his
[6] presentation. We will have an opportunity for comments and
[7] questions, but I will believe it will go a lot more orderly
[8] and a lot quicker if we allow him to give his presentations
[9] and then make comments or ask questions.

[10] **MR. KENNA:** I will focus mostly on Coachella
[11] Valley. You got a little bit of sense of the types of
[12] issues going on in the Coachella Valley when I did my field
[13] manager report yesterday.

[14] It's a different sort of area than most of the
[15] desert. We were talking about that at dinner last night.
[16] So hopefully, what I can do in the course of this briefing
[17] is give you some sense of what the differences are and how
[18] they are being addressed.

[19] Here is kind of where we are going. The
[20] briefing that we gave back in DC looked — a pretty good
[21] overview of land ownership because it's much more complex
[22] than the rest of the California desert. The planning area
[23] itself, I will give you a little bit of context in setting
[24] information, a factual review that should give you a
[25] foundation. And some of this will be a repeat for those of

Page 311

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] you who were at the meeting in Desert Hot Springs when we
[2] went over this before. But I think for others it will be
[3] very important foundation material.

[4] And a little bit look at the schedule. Talk
[5] about the partnership and the way things were developed in
[6] this way. They are similar in some respects to what you
[7] heard for West Mojave, although in some ways I would say
[8] even more so. We spent almost — although not formally, we
[9] spent almost six years in a quasi-scoping type of framework
[10] with monthly meetings that were public, working side-by-side
[11] with the cities and the county. And basically, we are all
[12] working off of the same plan.

[13] Public participation as a result was also very
[14] intensive. We will give a brief overview of some of the
[15] major issues and decisions and talk a little bit about what
[16] the cost and implementation looks like

[17] Just for context, we are involved in six
[18] habitat conservation planning processes in Palm Springs and
[19] South Coast. Most of them are on the South Coast side, so I
[20] won't spend a lot of time with you folks on those. But in
[21] general, they always involve a relationship with local
[22] governments where we are trying to jointly develop a cross-
[23] jurisdictional plan to make sure the decisions work. We
[24] have two in San Diego County. One in Western Riverside
[25] County. And this is a Coachella Valley Plan. We also have

Page 312

[1] one in a small area in San Bernardino County.

[2] A little bit about land ownership. The color
[3] you see here, this is the BLM land. This is Joshua Tree
[4] National Park. This is San Bernardino National Forest.
[5] There are state lands, the blue color right here, blue color
[6] here, blue color here. What I also pointed out back in DC
[7] is not only do you see — you might assume that everything
[8] that is state is under a single jurisdiction, and it's not.

[9] We have State Parks land. We have fish and —
[10] land managed by Fish and Game. And we also have University
[11] of Riverside research center that's in the planning area.

[12] Similarly, this color, which is tribal, represents five
[13] different tribes involved in the planning process

[14] The bottom line is — and hopefully this
[15] conveys it — it's a very complex set of ownerships and
[16] partnerships involved in this planning process. BLM is one
[17] of those, and we are not in this by ourselves.

[18] Here is some factual information that puts
[19] things in context. First of all, if you look at the total
[20] county, this is the acreage. But if you look at the plan
[21] acreage across the way, and the plan itself is a little over
[22] a quarter of the total county. You make a similar
[23] comparison, population at the county level, if you look at
[24] Coachella Valley. It's 318,000 now; 20-year projection is
[25] 600,000. Population growth rates from 1990 to 2000 are

Page 313

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

(1) about 38 percent. We've got nine cities involved. We are
(2) looking to cover 31 species. And the concept behind this is
(3) to make sure we are covering species that prospectively
(4) might be listed. There are nine listed species in the
(5) planning area, and then under the state law, we will be
(6) covering 26 natural communities.

(7) The ownerships, again, are broken down a
(8) little bit here. This sort of reinforces, I think, what you
(9) saw in the prior map. The reserve acreage that is being
(10) discussed most intensively is really about the 100,000 or
(11) 200,000 acres in the valley floor where the development
(12) pressures are the most intense.

(13) If you look at it purely from a BLM
(14) standpoint, the public land acres that BLM brings to this
(15) planning process is 283,000 out of the 1.2 million. The BLM
(16) planning area is slightly larger, simply because of some
(17) things we needed to pick up in terms of the California
(18) Desert Conservation Area that aren't strictly in the valley.
(19) Example would be the remainder of Whitewater ACED and the
(20) allotment.

(21) Urban interface is a big deal for us. We are
(22) affected not just by the growth that's going on right there
(23) in the valley, but we have a lot of people, as you know,
(24) that come to the Coachella Valley for tourism purposes. We
(25) have a high volume of folks. And we live right next door.

Page 314

(1) just over the hill, to 24 million people.

(2) The agreement to do joint planning, which was
(3) the BLM commitment to work directly with the cities and
(4) county was initiated in 1996, which started the monthly
(5) meetings that have all been public. All of the interim
(6) products have been public drafts and aired at those
(7) meetings. So it's been a very, very open process.

(8) The lead agency in the process has been
(9) Coachella Valley Association of Governments. And in my
(10) mind, they have done a masterful job. If you look at it
(11) from a BLM standpoint, the Coachella Valley historically has
(12) always been an area with a high level of conservation
(13) designation in the valley. Most recently the national
(14) monument, which passed by law and actually was a locally
(15) generated bill that came out of this planning process.
(16) There are five ACECs, all of course within the valley, and
(17) four wilderness areas. So if you take the total of the
(18) existing special areas already within the valley, remember
(19) that our total planning acreage is 283,000. The BLM's
(20) existing and special areas are already 250,000,
(21) approximately. The decision areas for other resources are
(22) fairly narrow and limited.

(23) This one, I think — just wanted to talk a
(24) little bit about the overlaps and relationships to other
(25) plans. In this case, it's very complex. We are not the

Page 315

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

only plan in town. Most obvious one people usually pick up on is there is an ongoing National Monument planning process, but there are several other processes which have to be met that are also concurrently going on. There is a State Parks planning process for the State Park at the top of the tram, which is also part of this. The Aqua Caliente band is doing their habitat conservation plan in their consultations with Fish and Wildlife Services concurrently. There is currently a number of planning efforts going on around Salton Sea restoration down at this end of the valley. We have to integrate with the Four Forest Plan that's going on in Southern California. Hopefully, this gives you some idea of some of the complexity involved. We also have an overlap area with NECO that runs basically from Dillon Road to the east. Time frames and schedules. We are on a very aggressive time frame. This is the one place where the lawsuit has affected the plan. We have tried very, very hard to make sure that the contents of the planning process, particularly given the close relationships we have with local government was not affected, but it did affect the timing of the federal component of the process. We will have to complete it by the end of the year. That's why you see this very, very aggressive schedule. The plan is now out in draft. It will be open to comment until September

Page 316

the 5th.

Here are the scheduled public meetings.

July 22 is in Palm Desert, and there is a news release out on the table if you want to — you don't have to write these down. You can pick them up. We are going to have public meetings at all sites right in the middle of the valley to start. Up at the Palm Springs end of the valley on Tuesday, and on Thursday, we will be down at the IID board room down at the very south end.

One of the things that I tried to emphasize in our briefing back in DC is that there is an awful lot of the history in this valley of involving problems together. We were one of the first areas in the early eighties to address a listed species issue and its direct effect on development in the valley with the Coachella Valley fringe-toed lizard. The local jurisdictions, in combination with the state and federal agencies, hammered out a solution, which resulted in the fringe-toed lizard reserve.

And that sort of set a pattern that is very active in the valley. We have a joint sites act plan in the mountains with Fish and Game. Then the National CV area designation came along in 1990, which was secretarial. And these are all pretty much grass roots efforts. And it's the same set of jurisdictions and interests that work together to solve problems

Page 317

[1] The other part of this that I also emphasized
[2] is that there is a lot of capacity built in to do
[3] implementation. There are a number of strong partnerships
[4] that already exist. Tribal agreements are in place. We
[5] have advisory and management committees, both Federal, the
[6] National Monument, and a number of local ones as well.
[7] Friends groups in place that help with the various things in
[8] certain spots, and that we have a history of the doing
[9] multi-jurisdictional acquisition projects.

[10] The community objectives in terms of what
[11] brought everybody to the table and has made this, I think, a
[12] pretty good collaborative process in its execution is that
[13] there is a desire on all parties, by all parties to make
[14] sure that we have coordinated conservation and planning
[15] decisions so what we decide on the Federal level makes sense
[16] with the city it happens to apply to.

[17] The second thing, everybody wants to walk away
[18] with some certainty whether they are the conservation
[19] community or the building community. And the third thing is
[20] that we meet a Section 7 consultation. The cities and the
[21] county meet the 10-A permit in order to streamline the
[22] Endangered Species Act process.

[23] This is just a summary, and I won't dwell on
[24] it. The formal part of the process is down here, but this
[25] process has been so long-running and so open with so many

Page 318

[1] local meetings and jurisdictions and everything from city
[2] councils to the Association of Government meetings that I
[3] think almost no one is surprised by the outcomes.

[4] Here is the incentives and desired outcomes
[5] that if you look at it from a general public standpoint, the
[6] most common one is concern, one way or the other, about
[7] quality of life, open space. There is a lot of ecotourism
[8] in the valley already. And then looking at some of the
[9] urban interface issues, one of the mayors is fond of saying
[10] "We don't want Coachella Valley to be one of those places
[11] that used to be a nice place to live," and with due respect
[12] to a few folks here, I think he is referring to L.A.

[13] **Species conservation:** These are some of the
[14] high profile ones that are involved in the planning process.
[15] And then there are certain land use things that have to be
[16] addressed in order for the communities in the valley to
[17] function.

[18] So here are the major issues: There is a land
[19] tenure issue. This has a couple of aspects. One is the
[20] reserve assemblage, but the other aspect to it is cost.
[21] Cost to the local jurisdictions, to the counties, to the
[22] cities. And that's one reason why they were very adamant
[23] about federal participation.

[24] OHV-use areas, probably the driving and most
[25] high-concern issue in this case. Species are part of it,

Page 319

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] but PM-10 is a much, much larger part of it in the Coachella
[2] Valley, given the current issues with EPA and highway
[3] funding and so on.

[4] **Route designation:** There is complete route
[5] designation. It's pretty limited. There is not a lot of
[6] route mileage that you can work with in the Coachella
[7] Valley.

[8] **Trail management** is probably the biggest
[9] public issue. And then there is a series of permitted uses
[10] that I will quickly run through.

[11] All right. What you see here is just — I
[12] told you about all the areas that have existing protection
[13] on them. The wilderness areas are the yellow. This is the
[14] National Monument. These are the existing ACEC areas.
[15] Chuckwalla Bench. This is the fringe-toed lizard reserve.

[16] This one shows the route categories and the
[17] OHV areas that were under consideration. As I indicated,
[18] the options in Coachella Valley are very limited. This is
[19] Windy Point up at this end of the valley. There is a small
[20] area in Indio Hills. There is another one down here and
[21] this would require withdrawal revocation because it's
[22] currently under Bureau of Reclamation down at Iron
[23] Door. And then Drop 31, which is a traditional use area
[24] particularly on weekends, local use picnicking and
[25] three-wheeler use in the washes, that sort of thing out of

Page 320

[1] the areas around north end of Salton Sea, plus there is some
[2] destination OHV use, similar to Glamis, where it has
[3] vehicles affiliated with camping.

[4] **MR. DANNA:** Jim, you have gone over 15.

[5] **MR. KENNA:** I will try and wrap this up.
[6] These are the trail issues. It has mainly to
[7] do with bighorn sheep. We work very closely with the hiking
[8] and equestrian groups, as well as with the biologists. We
[9] have hammered out a consensus alternative with the county
[10] and cities.

[11] One thing before we leave this. You can see
[12] the development area on the photo. And remember, we are
[13] 318,000, and we are going to put almost double that in this
[14] valley in the next 20 years.

[15] This is a wild horse and burro site. It's
[16] joint with the Agua Caliente band, and we are working on
[17] reducing or eliminating the horses there. This is an
[18] exchange area with the tribe. This is the Whitewater
[19] allotment. It has been in rest for three years now.
[20] although we have not seen a lot in the way of results given
[21] the drought conditions and so on. It will continue in rest
[22] These are wind energy sites, and the wind energy will remain
[23] more or less the same, and we will not have wind energy in
[24] the National Monument, which is basically south of Highway
[25] 111.

Page 321

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] This is sand and gravel. We currently have
[2] production off of federal lands at about 600,000 tons a
[3] year. We have about 33 million tons in reserve, so 30-year,
[4] plus, of supplies. We also have private supplies coming on
[5] line. Our judgment, given our options, is to build our
[6] reserves system so that we have plenty of supply and we
[7] won't be in the situation that L.A. and Orange County are
[8] in.

[9] Here is the annual implementation information
[10] and just the general costs that we are looking at for the
[11] federal side of the plan. Issue was raised previously about
[12] what will that cost, and these are estimates of what that
[13] generally will run.

[14] So in summary, if you are going to remember a
[15] few things, this is a multi-jurisdictional planning effort.
[16] It's not just BLM. There is an exceptional level of
[17] inclusiveness over a long period of time. There are a
[18] number of high profile issues and areas involved in the
[19] valley. And that we believe we can deliver both
[20] conservation and infrastructure to support the cities and
[21] their development needs over time. We are committed to
[22] delivering the results that we agreed to with the cities and
[23] county. And we have lawsuit issues, but we have tried to
[24] limit the effect of that to the schedule. And we believe
[25] that we have come up with a way to provide for everything

Page 322

[1] from sand and gravel and energy generation to recreation and
[2] open space.

[3] **CHAIRMAN KEMPER:** Before we start on
[4] questions, I'm going to ask that the other managers that are
[5] giving reports being prepared to stay within their time
[6] limits.

[7] **MR. KENNA:** My apologies.

[8] **MEMBER FERGUSON:** First, all the presenters,
[9] you guys are doing an excellent job with the Power Point.
[10] It would be real helpful if we could have copies of that.

[11] **MR. SANCHEZ:** I will get copies.

[12] **MEMBER FERGUSON:** I haven't had a chance — I
[13] mean, I have glanced through the Coachella plan and I have a
[14] lot of concerns. I understand the Windy Point closure on
[15] not only — regardless of the fringe-toed lizard issue, I
[16] also understand that because it's a monument, that vehicle
[17] travel has to stay on designated trails, which isn't going
[18] to happen in the sandy area.

[19] So that aside, you have displaced a lot of
[20] people out of there and not given them a lot of places to
[21] go. So what has happened now is there has been a lot of
[22] intrusion throughout the private property and the Coachella
[23] Valley preserve.

[24] Now, I know that there is a lot of uses out at
[25] Iron Door, and the preferred alternative is the closure out

Page 323

PC 124

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

11 there and also the closure in Indio Hills. I would like to
12 know how you propose — and I understand Drop 31, but that's
13 also 15 miles south, almost. I'm going to assume it's close
14 to 15 miles east or whatever of where these traditional uses
15 are at. And how do you propose to get the local community
16 to start using Drop 31 as an OHV area?

17 MR. KENNA: I'm not sure that that is what
18 we are going to need to do. I don't think that Drop 31 will
19 address the motorcycle-out-the-back-door kind of user. It
20 doesn't see that. It currently is a camping area with
21 three-wheelers and four-wheelers in the wash. That's the
22 kind of use it's gotten for a long time, and I would
23 anticipate that that would continue.

24 I don't — I agree with you that Windy Point
25 displaces some users. The primary user base there is out of
26 Orange County, has been, and one of our difficulties has
27 been it's largely Spanish-speaking. And so we tried to put
28 rangers out there that speak Spanish when we can. And we
29 are trying to work with the state on a new area. The area
30 that we are looking at right now is north of — it's not
31 federal. There just aren't any options that will allow us
32 to meet the PM-10 air quality requirements that the valley
33 has to meet to get us highway funding for those interchanges
34 freed up and to meet the permitting requirements for Fish
35 and Wildlife Service for both the cities, county, and us.

Page 324

PC 124

11 I don't think there is anything there, to be
12 quite honest. But the options are very limited. Where most
13 of the use occurs right now — as you indicated is
14 correct — it's trespass use on private lands and also on
15 Indian land. And particularly around Iron Door is probably
16 where it's most concentrated. Those issues, while they
17 won't be BLM issues, I suspect that the local jurisdictions
18 will have to take a pretty hard look at those, given the
19 vacant or disturbed vacant lands requirements in the state
20 implementation plan in order to get the air quality stuff
21 addressed.

22 So it's a tough problem. There isn't going to
23 be an easy solution. You know, the cities, if you look at
24 it from their perspective, are also facing tremendous
25 pressures in terms of development and housing in order to —
26 where to put these people. The building industry feels like
27 they have taken the brunt of things thus far. That and the
28 agriculture industry. And they are basically saying that
29 particularly in terms of the air quality issue, they expect
30 the federal agencies to step up and start doing their part.
31 That message came through pretty loud and clear.

32 MEMBER FERGUSON: The OHV community has — I
33 mean, it may not be an issue because it's on private
34 property or state land is where the people are ending up
35 going. But it is a direct impact from BLM closures. And

Page 325

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

11: aside for conservation purposes, as I understand it — and
12: correct me if I'm wrong, Jim. And today, there is not a
13: single place in the entire Coachella Valley where a kid can
14: ride his dirt bike after school. And I just have to wonder
15: what those kids are doing with their time after school
16: instead of using up their energy on the side of a hill
17: somewhere.

18: And finally, I find it absolutely ludicrous
19: that major land management plans are being made based on 31
20: species that might some day be listed? I mean, that
21: certainly draws a real picture of where the BLM stands
22: relative to the environmental issue versus the public use
23: issue.

24: MR. KENNA: Well, two things. One, they are
25: still using their motorcycles. They haven't stopped, and
26: that is something we are trying to address, and we just
27: haven't figured out how. And I agree with you that that
28: needs to happen because what's happening now is we have got
29: private landowners and some of the others really up in arms.

30: And that's not fair either, to put them in that position.
31: So I agree with you. We are trying to work on it. The
32: state has agreed that it's an area that needs to be
33: addressed. We don't have agreement from State Parks yet,
34: but actually Fish and Game has taken the lead on that.

35: MEMBER DENNER: The closure of Windy Point

Page 328

PC 131

PC 025

PC 133

11: could have been delayed until the problem was solved. That
12: would have taken away a lot of the impact.

13: MEMBER FERGUSON: Yeah, but, Roy, that was
14: congressionally done by Mr. Clinton, so —

15: CHAIRPERSON KEMPER: One at a time, please.

16: MR. KENNA: I think Jeri's point is right.

17: For us to make a decision inconsistent with federal law is
18: probably not where we ought to go. But the other thing is
19: in terms of the species coverage list, it was actually
20: developed by CVAG. And it's those species that the cities
21: and county want to be covered for. And in that process,
22: they will get a section 10-A permit, which means that they
23: will be able to, with whatever survey requirements happen,
24: they will be able to issue building permits that cover those
25: species without going through consultation again with the
26: Fish and Wildlife Service. And that's the purpose from
27: their standpoint. It helps streamline their permitting
28: processes, and they see that as a positive. So if you can
29: understand it from the city and county's perspective, I
30: think it will make more sense.

31: CHAIRMAN KEMPER: Any other comments? Thank
32: you, Jim.

33: MR. KENNA: I also apologize. I'm going to
34: have to leave. One of my employees is getting married this
35: afternoon, and I told her I would be there.

Page 329

PC 133

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

JUNE, 2002 CA DESERT ADVISORY COUNCIL MEETING REPORT

By
Roy Denner, Recreation
Representative

REPORTER'S CERTIFICATE

[1] I, Judith W. Gillespie, a certified shorthand
[2] reporter, do hereby certify that the foregoing pages
[3] comprise a full, true and correct transcription of the
[4] proceedings had and the testimony taken at the hearing in
[5] the hereinbefore-entitled matter of June 29, 2002
[6] Dated this 19th day of July, 2002, at
[7] Riverside, California

[10]

[11]

[12]

[13]

[14]

[15]

Judith W. Gillespie, CSR No 3-10

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

Page 466

The California Desert District Advisory Council (DAC) is aboard of 15 individuals who have interests in the California desert. This Council, appointed by the U.S. Secretary of the Interior, established under Federal law, is supposed to advise the Bureau of Land Management (BLM) on the management of the 10 million acre California desert district.

At a DAC meeting held in El Centro during December, 2001 several significant recommendations were made by the DAC, to the BLM, on a vote of 10 in favor to 2 opposed.

Those recommendations were as follows:

In the Imperial Sand Dunes Recreation Area Management Plan, the Northern & Eastern Colorado Management Plan (NECO), and the Northern Mojave Management Plan (NEMO), the BLM should include a provision to mitigate impacts on land users just like it mitigates impacts on the environment. For example, if an area needs to be closed to public use because of significant impacts on an endangered species, another area should be opened or expanded to compensate for the closure. Because of the lack of recent scientific studies of the status of the Desert Tortoise, the species that is driving the decisions included in the new plans, implementation of the NECO & NEMO plans should be delayed until new studies can be completed. BLM biologist reporting at the meeting admitted that no good scientific data exists to support BLM planning actions, which consist solely of closures of public lands to public use. Similarly, cattle grazing restrictions should not be implemented until further studies of the Desert Tortoise are complete. OHV areas recommended for closure in the NECO Plan, with no evidence of OHV impact on species, should remain open. A recent DAC meeting was held in Barstow on June 28th & 29th, 2002. At that meeting, it was reported that none of the DAC recommendations will be implemented. No sound scientific evidence or rational analysis was provided to support these decisions.

When the person responsible for drafting the NECO Plan was confronted with a "You must have overwhelming evidence of OHV impacts in the OHV areas you are closing to ignore the DAC's recommendation with a vote of 10 to 2" Is that true? The answer was "no". The BLM has done no environmental studies in those areas.

It was reported by the BLM that the new Coachella Valley Plan, currently being developed, treats 31 species, THAT ARE NOT ON ANY ENDANGERED SPECIES LIST, as if they were already listed since they might someday be threatened or endangered. In the entire 1.2 million acre Coachella Valley (the Palm Springs corridor along Fwy. 10) there is not a single place that a kid can ride his/her dirt bike legally after school. All OHV areas have been closed!

PC 022

PC 1 PC 025
131

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

(6,2002 DAC report,pg. 2)

The current effort to designate driveable trails in several planning areas was discussed. Instead of providing valid evidence that certain trails must be closed due to evidence of environmental impacts on those trails, the BLM is taking the approach of closing all dirt roads and trails to vehicle use unless the users have identified them as trails that need to remain open and they are closing some of those if alternate routes are available! Many members of the DAC expressed concern about the proliferating trail closures since access for all public land users is being denied. Included among the dissenters were representatives from the cattle industry, the mining industry, the filming industry, County Boards of Supervisors, the OHV communities, and even the wildlife protection community.

PC 144

The question of money was raised. None of the plans address the cost to implement their recommendations. The Desert District Manager indicated that she has used up this year's budget already and there are several more months to go in this fiscal year. To implement all of the new management plans and monitor the results would take several times the staff currently available and no increased budget is anticipated if anything. BLM appropriated funds are being cutback. So the end result of attempting to implement these unrealistic plans will be that implementation schedules will not be met and the environmentalist groups will sue the BLM once again for failing to implement plans.

PC 215

Does any of this matter to the California Desert District BLM? The answer is a resounding NO! Not one single element of any of the new Desert Management Plans addresses even maintaining status quo for public land users. Certainly, there is no mention of expanding public use opportunities. Instead, a single solution policy is being applied across the board that can only be described as Management by Closure!

PC 123

The unfortunate result of this management by closure philosophy, that ignores input from a majority of desert interest groups, is that more and more litigation will follow.

These interest groups are banding together, with California businesses that are being impacted by continuous management by closure, to halt this unfair and illegal process.

Litigation by enviro-extremist groups has been so effective in directing BLM policies that other interests are left with no alternative.

A last hope proposal was offered to the BLM at the meeting to avoid expanding litigation costs. It was proposed by recreation representative Denner that, if the BLM can get the environmental groups that sued the desert district to put up some money, the other interest groups will match that amount. The money would be used to perform a serious scientific study of the California Desert Tortoise. Law suits would stop, the Desert Tortoise Recovery Plan would be updated, and plans would incorporate the results of the study. If the environmental groups are serious about saving the tortoise, they should jump at this offer. We'll see!

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses



July 30, 2002

MEMORANDUM TO MONUMENT ADVISORY COMMITTEE

Subj: Recommendations on BLM Draft Santa Rosa and San Jacinto Mountains Trails Management Plan

As agreed on at our last MAC meeting, representatives of our four work groups met this date as an Adhoc Group and agreed upon the following recommendations to the subject plan:

Executive Summary, Page ES-23

Trail Use, first bullet: Explain that the reason for the two days per week schedule is to evaluate the impact of human activity on the sheep.

Trail Use, second bullet: Explain that the free permit requirement is to increase education and provide a system for monitoring trail use.

Trail Use, fourth bullet: The question arose concerning the "nine years" target date. Perhaps an explanation should be part of this paragraph. If the nine years is necessary, then perhaps the paragraph might be changed to read "Within nine years, Seasonal Trail Area closures would be phased in, as new perimeter trails are constructed". Finally, it is suggested that the "new perimeter trails" be identified as a part of this plan.

Trail Use, fifth bullet: There was doubt expressed that the Sheep Ambassadors were worth the expense and perhaps should not be continued.

Executive Summary, Page ES-24

Camping: Change the words "essential sheep habitat" to "Seasonal Trail Area". There is a large area of the Monument outside the designated Seasonal Trail Area.

Executive Summary, Page ES-25

New Trail Development: There was question raised as to the July 1 to January 14 limit for trail construction, since these are perimeter trails and mostly not within

the essential sheep habitat area.

Murray Hill Facilities: It is suggested that the word "permanently" be inserted prior to the word "relocated" in the third line.

Executive Summary, Page ES-27

Motorized Commercial Recreation Activities: MAC will probably be suggesting that the portion of Dunn Road from Highway 74 to the north side of the orchard be open for year around use to provide opportunities to utilize two trails in the area. It will further be suggested that this portion of Dunn Road be improved to allow use by all types of street vehicles. Additionally, we would suggest that language be added that would prohibit through-travel on the remainder of Dunn Road.

These are suggestions of the work groups and in no way are meant to limit discussion by members of MAC at their meeting on August 3, 2002.

Respectfully Submitted:

Ed Kibbey
Adhoc Group Chair

PC 160
RECOMMENDATION MODIFIED
BY ADVISORY COMMITTEE,
SEE AUGUST 3, 2002 HEARING
TRANSCRIPT

In The Matter Of:

*Santa Rosa & San Jacinto Mountains
National Monument Advisory Committee*

*Hearing
August 3, 2002*

*Gillespie Reporting & Document Management, Inc.
3333 Central Ave.
Suite D
Riverside, CA 92506
(909) 682-5686 FAX: (909) 682-4990*

Original File 59344R-1.V1, 232 Pages
Min-U-Script® File ID: 2014463890

Word Index included with this Min-U-Script®

[1]
[2]
[3] SANTA ROSA & SAN JACINTO MOUNTAINS
[4] NATIONAL MONUMENT
[5] ADVISORY COMMITTEE
[6]
[7]
[8]
[9]
[10] REPORTER'S TRANSCRIPT
[11] OF
[12] PROCEEDINGS
[13]
[14] MEETING LOCATION: PALM DESERT CITY HALL
City Council Chambers
Palm Desert, CA
[15]
[16] DATE AND TIME: Saturday, August 3, 2002
8:59 a.m. to 3:07 p.m.
[17]
REPORTED BY: DIANE L. MARTIN, CSR, RMR
[18] CSR No. 8268
[19] JOB NO.: 59344DLM
[20]
[21]
[22]
[23]
[24]
[25]

Page 1

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] PRESENT

[2]

[3] MONUMENT Advisory Committee (MAC)

[4] FRANK BOGERT, former Mayor, City of Palm
Springs

[5] ROBERT BROCKMAN, Director of Community
Development, City of Rancho Mirage

[6] BUFORD CRITES, Councilmember and former
Mayor, City of Palm Desert

[7] BARY FREET, Palm Springs Fire Chief,
resident of Cathedral City

[8] BARBARA GONZALES-LYONS, Vice Chair, Tribal
Council, Agua Caliente Band of Cahuilla

[9] Indians

LARRY GRAFTON, Senior Planner, City of Indian

[10] Wells

TERRY HENDERSON, Councilmember, City of

[11] La Quinta

EDWARD KIBBEY, Committee Chairman, Building
Industry Association

[12] BOB LYMAN, Regional Office Manager, County of
Riverside

[13] JEFFERY MORGAN, Sierra Club, Local

[14] Conservation Organization

ALLAN MUTH, University of California,

[15] Riverside, Deep Canyon Research Center

ROB PARKINS, General Manager for the Palm

[16] Springs Aerial Tramway, Winter Park
Authority

[17] RUTH WATLING, Chair, Pinyon Community Council

WILLIAM (GARY) WATTS, District

[18] Superintendent, California Department of
Parks and Recreation

[19]

[20]

[21]

[22]

[23]

[24]

[25]

Page 2

STAFF:

- [1] DANELLA GEORGE, Designated Federal Official,
National Monument Manager
[3] CONNELL DUNNING, Community Planner, Bureau
of Land Management, Palm Springs/South Coast
Field Office
[4] JIM KENNA, BLM Field Manager, Palm Springs/South
Coast Field Office
[5] EDDY KONNO, California Department of Fish & Game
[6] LAURIE ROSENTHAL, USDA Forest Service, District
Ranger, San Jacinto Ranger District

[7]

[8]

[9]

[10]

[11]

[12]

[13]

[14]

[15]

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

Page 3

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] MS. WATLING: I am sorry — the fire crews
[2] in particular coordinate very well. And I encourage
[3] that too. But we have a big four-wheel-drive fire
[4] engine that BLM sent up with a crew of six that really
[5] supplements our little crew of three and volunteers.

[6] So it's kind of there. I don't know if it's
[7] formalized, but at least they are all looking at the
[8] same issues and working together on them.

[9] MR. WATTS: Well, to bring up fire as a big
[10] example, in parks we have certain areas where we would
[11] not be opposed to letting things burn. There are
[12] other areas, such as cultural sites, that we would go
[13] to great lengths to protect from fires. Things of
[14] that nature.

[15] And so we know that. We have that in our
[16] plan. I think the Monument needs to have that same
[17] type of approach overall so that we all know what each
[18] other is doing in the event of a fire that escapes
[19] boundaries; we have a good, coordinated response with
[20] everybody that has a piece of the pie dealing with it.

[21] CHAIRMAN KIBBEY: Any other comments?
[22] Questions?

[23] Thank you, Connell.

[24] Next item is the discussion concerning the
[25] recommendations by the ad hoc committee on the Plan

Page 151

PC 160

[1] Amendment, BLM Plan Amendment, and Trails Plan.

[2] And, Jim, if you might make yourself
[3] available at the podium if there's any questions,
[4] comments, since this is your baby.

[5] As directed at our last meeting, the work
[6] groups met and discussed the BLM draft trail plan, and
[7] then on July 30th representatives from those
[8] committees met at my call and discussed the various
[9] portions of the Plan and how they might affect their
[10] committee. And then after chatting a bit about that,
[11] we then decided to go down piece by piece, square by
[12] square, as it were, and make recommendations.

[13] The recommendations, then, as set forth in
[14] the memorandum to the Monument Advisory Committee
[15] which you find at your desk before you dated July
[16] 30th, "Subject: Recommendations on BLM draft Santa
[17] Rosa - San Jacinto Mountains Trail Management Plan"
[18] refer to the Executive Summary.

[19] Executive Summary, page ES-23, concerning the
[20] trail use, if you look to the first bullet, and
[21] suggested that there be some explanation as to the
[22] reason for the two days per week schedule, and it was
[23] suggested by one of the Committee members — it was
[24] meant to evaluate the impact of human activity on the
[25] sheep.

Page 152

PC 160

PC 160

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] We have already heard that perhaps that
[2] wasn't the reason. And, Jim, maybe you might want to
[3] comment on that.

[4] **MR. KENNA:** Yes. I think that's probably a
[5] fair comment and does need clarification in answer to
[6] the first part.

[7] In answer to the second part, which is, I
[8] think, what was the intent, I do think there was
[9] intent to at least set up the opportunity where there
[10] was the option to look at the differences or if there
[11] are differences between when trail users are present
[12] and when they're not. And having this sort of an on
[13] again/off again approach would give that opportunity
[14] as well.

[15] **CHAIRMAN KIBBEY:** So our feeling or belief
[16] would be that there be a little bit of explanation as
[17] to why the two days, because if it hit us, who —

[18] **MR. KENNA:** I agree.

[19] **CHAIRMAN KIBBEY:** — basically think we
[20] understand this whole thing, and mixed us up, maybe a
[21] couple words to explain why two days doesn't look
[22] ridiculous.

[23] **MR. KENNA:** That's a helpful comment.

[24] **CHAIRMAN KIBBEY:** On trail use, the second
[25] bullet, I thought perhaps — "Explain that the free

Page 153

[1] permit requirement is to increase education and
[2] provide a system for monitoring trail use."

[3] That was the explanation that came out of our
[4] discussions as a reasonable use. And then perhaps if
[5] that's the case, you would also expand on the
[6] explanation.

[7] **MR. KENNA:** I think that's also helpful.

[8] **CHAIRMAN KIBBEY:** By the way, anytime that a
[9] Committee member wishes to jump in here, please do.
[10] This is the representation from your ad hoc committee.
[11] But, certainly, it is just that, a recommendation.
[12] And I just thought it would be helpful if we had Jim
[13] up here to explain some of these that we weren't too
[14] sure about.

[15] Trail use, fourth bullet. "The question
[16] arose concerning the 'nine years' target date.
[17] Perhaps an explanation should be part of this
[18] paragraph. And if the nine years is necessary, then
[19] perhaps the paragraph might be changed to read,
[20] 'Within nine years, Seasonal Trail Area closures will
[21] be phased in, as new perimeter trails are
[22] constructed.' Finally, it is suggested that the 'new
[23] permit trails' be identified as a part of this plan."

[24] The concern that brought up that last
[25] sentence was that if some identification wasn't made

Page 154

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] at this time of those trails, for lack of a better
[2] word, of concern were not set forth, then perhaps the
[3] land would be utilized by some other use and then
[4] block the possibility of a trail.

[5] **MR. KENNA:** Yes. I think that's a
[6] reasonable comment as well. I think it's, again,
[7] asking for some clarification in terms of the thought
[8] process underneath the item.

[9] And that's a good comment. We can do that.

[10] **CHAIRMAN KIBBEY:** Did the nine years have
[11] some significance?

[12] **MR. KENNA:** Well, I think it was an attempt
[13] to take into account the practical realities of
[14] working on the scale of the Monument and the number of
[15] areas that were identified with perimeter trails, and
[16] to acknowledge the fact that it's going to take some
[17] time to put all this in place and to put some sort of
[18] a schedule and an order to that.

[19] And I think that's about the size of it.

[20] But, you know, I probably would defer to staff if they
[21] have other ideas that I miss.

[22] **CHAIRMAN KIBBEY:** Bob, you had a comment?

[23] **MR. BROCKMAN:** Yes. I think it might be
[24] useful to clarify that these comments relate to
[25] Alternative B in the matrix, for those people that

[1] might have read some of this, and it was in
[2] Alternative B where I think the nine-year comment came
[3] up.

[4] And the concern amongst, I think, all of us
[5] was that there needs to be a replacement trail that
[6] goes with a trail closure, not at the end of nine
[7] years, but as you go all the way through the period.

[8] **MR. KENNA:** Sort of a concurrent approach.
[9] I think that makes sense.

[10] **CHAIRMAN KIBBEY:** That's a good point, Bob.

[11] Thank you. These are all in reference to
[12] Alternative B.

[13] Buford?

[14] **MR. CRITES:** Adding to Bob's comment, I
[15] think the existing Option B or Alternative B notes
[16] that park closures would happen in nine years, period.
[17] In nine years, they'd go into effect. And I think
[18] there's concern or would be concern in the recreation
[19] community that we could have a lot of planning and a
[20] lot of this and a lot of that and at the end of nine
[21] years a lot of these trails aren't constructed and the
[22] other trails will go away, and that there needs to be
[23] a guarantee of an alternative — I don't care if it
[24] takes two months or 20 years — before park closures
[25] hit.

Page 156

Page 15

[1] **MR. KENNA:** I think I understand the point.
[2] And I think probably this is a good opportunity to
[3] express one other concept that I think is relevant to
[4] these comments in general, and that is that what we
[5] have out there right now is the BLM analysis for the
[6] federal side of the Multiple Species Plan and that,
[7] obviously, for this kind of a Trails Plan to work,
[8] given all the multiple jurisdictions, we need the
[9] Multiple Species Plan side that is non-federal to come
[10] along with it.

[11] This is not expected to be the last hurrah.
[12] This was our attempt to sort of benchmark where the
[13] process is at this point. And I think that some of
[14] those comments — you know, there may well be some
[15] tweaking of alternatives in the process with the local
[16] jurisdictions.

[17] **CHAIRMAN KIBBEY:** Terry?

[18] **MS. HENDERSON:** Did I hear you, Jim, just a
[19] few seconds or minutes ago agree that the new trail —
[20] the perimeter trails should or could be identified for
[21] adoption of this plan?

[22] **MR. KENNA:** I guess I didn't quite go that
[23] far. I don't think I did.

[24] **MS. HENDERSON:** Well, that's what the record
[25] is going to show.

Page 157

[1] **MR. KENNA:** I think what I did say is I
[2] think it makes all kinds of sense to try and do things
[3] on as concurrent of a basis as possible during the
[4] course of that nine years so that the trails are being
[5] put in place.

[6] What we did do in this effort thus far is we
[7] have identified those areas where a perimeter trail is
[8] needed or should be placed and there is a subgroup
[9] that has been working out of the trails working group
[10] that is looking to identify specific trails. In
[11] addition, BLM staff have also been working on trying
[12] to identify specific trail alignments.

[13] How close we will be able to call those by
[14] this fall when the local side of the multiple species
[15] planning process is completed, I can't give you a
[16] precise answer on it yet, but we are taking a hard run
[17] at it.

[18] **CHAIRMAN KIBBEY:** Buford?

[19] **MR. CRITES:** Buford Crites, Palm Desert.

[20] But if you can't list a specific location,
[21] you need to be able to list a specific corridor in
[22] which it will happen. One of the worst things we
[23] could do in this whole process is, "Hey, here's a
[24] place for a perimeter trail," and a year and a half
[25] down the road, y .. know, Fish & Wildlife don't like

Page 158

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] this, the "City of X" doesn't like this, and Fish &
[2] Game has a legitimate issue with something, and the
[3] end result is we don't have anyplace.

[4] And we could end up with lots of corridors
[5] and zero perimeters unless we have some kind of
[6] blessing that somewhere within this it's going to
[7] happen.

[8] **MR. KENNA:** I think there are two things
[9] there. And, one, I think you want to make sure, if I
[10] heard right, that these aren't just straw dogs, that
[11] they are real. And that's a fair comment.

[12] And I think, you know, certainly to the
[13] degree I can speak for, at least to BLM, our intent is
[14] certainly to make sure that they're not.

[15] That being said, you know, there are a lot of
[16] players in the trails planning process, and so we want
[17] to get it as precise as we can. But there's going to
[18] be a point where we can't carry it a whole lot further
[19] and get to a decision that there are going to be some
[20] details of engineering and this and that with the
[21] number of trails and the number of areas affected that
[22] we will have to go to the next step in the process.

[23] **CHAIRMAN KIBBEY:** Jeff?

[24] **MR. MORGAN:** Yes, Jim. Nine years is a heck
[25] of a long time. In the last nine years, I think

Page 159

[1] there's been 15 golf courses in the valley and it
[2] probably won't be any different in the next nine
[3] years. And if you don't identify where these trails
[4] go now, you might come back in two or three years and
[5] say, "Oh, that's where we wanted a trail," but now
[6] they are all playing golf.

[7] You have to do something now before the
[8] development occurs. Otherwise, you will not be able
[9] to do it at a later day. So even if you don't build
[10] them for nine years or twenty years, I believe you
[11] have to identify them now and seek rights-of-way or
[12] purchase the land and go through the stages before
[13] it's too late.

[14] **MR. KENNA:** I would agree that there is a
[15] sense of urgency in this and that, you know, what I
[16] think we are attempting to do with the nine years —
[17] and we can take a look at that, I guess, as well,
[18] but — is to make sure that we are not writing a plan
[19] that then we turn around and say, "Well, this was
[20] supposed to have happened a year ago and it isn't done
[21] yet." I think we are trying to be very realistic. I
[22] would love to have it all in place in much shorter
[23] periods of time, as I'm sure you would.

[24] And I think we are working diligently on it
[25] and I know members of your group are involved in doing

Page 160

[1] just that as well. We will move as quick as we can
[2] move and, you know, try and get these trails
[3] identified and ideally built.

[4] **CHAIRMAN KIBBEY:** Terry? No? Anyone else?
[5] We will continue. Oh, sorry, Larry.

[6] **MR. GRAFTON:** Question. Larry Grafton. City
[7] of Indian Wells.

[8] This is a NEPA document?

[9] **MR. KENNA:** Correct.

[10] **MR. GRAFTON:** So you need an EIS statement
[11] for the NEPA process?

[12] **MR. KENNA:** This larger one is, uh-huh.

[13] **MR. GRAFTON:** Some of these trails are on
[14] private land, which would be then subject to CEQA.

[15] **MR. KENNA:** That's correct. That was the
[16] other part of the process that I think I referenced
[17] earlier.

[18] **MR. GRAFTON:** Because looking at some of
[19] your proposals for these trails, I mean, I hate to
[20] tell you this, but this draft environmental impact
[21] statement is really lacking in any detail, without any
[22] of the potential impacts of these new trails.

[23] And I am concerned that you are even saying
[24] that you are going to build these trails without
[25] having a lot of study into what's going on there.

Page 161

[1] **MR. KENNA:** No. I am not trying to say that
[2] we are going to build any specific trail. I am not
[3] trying to make a prediction statement at all. I am
[4] just trying to articulate intent, I think, of the
[5] alternatives. And the intent of the alternatives is
[6] to try and get peripheral trails in place where trail
[7] closures are also planned.

[8] **MR. GRAFTON:** I think you need to state
[9] that. Because my opinion from these documents is that
[10] there will be certain trails that will be built. So
[11] if your intent is basically just saying, "We are going
[12] to look for other alternatives," that's one thing.
[13] But when you start saying, "We are looking at Corridor
[14] A, B, and C," that's a totally different realm.

[15] **MR. KENNA:** Well, yeah. I think you're —
[16] this is probably part of the disconnect between the
[17] federal process and the multiple species planning
[18] process relative to trails.

[19] I think that in our federal process, at the
[20] resource management planning level, which is the level
[21] this document is at, we would not do the detail or
[22] specific stuff that you are talking about.

[23] However, that being said, we recognize that
[24] it needs to be done. So any specific trail alignment
[25] probably would have a subsequent NEPA document on it

Page 162

*Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses*

[1] once it was — I mean, to deal with the issues that
[2] you are talking about.

[3] **MR. GRAFTON:** But this document is part of
[4] the multispecies, is it not?

[5] **MR. KENNA:** It is the BLM contribution. It
[6] is the Plan Amendment to the BLM California Desert
[7] Conservation Area Plan.

[8] **MR. GRAFTON:** Another issue —

[9] **CHAIRMAN KIBBEY:** Let me just jump in real
[10] quick. There's a white Cherokee Jeep, 3 CAL 415, in
[11] the parking lot. The alarm is going off. So that's
[12] an alarming situation.

[13] Please go ahead.

[14] **MR. GRAFTON:** Since we are talking about
[15] the — I guess it's the Executive Summary — this one?

[16] **CHAIRMAN KIBBEY:** Are you going to talk
[17] about the Executive Summary?

[18] **MR. GRAFTON:** On page 13, you identify the
[19] Eisenhower Mountain Trails as being Palm Desert.
[20] They're not. They are in the City of Indian Wells.
[21] Correct that.

[22] **MR. KENNA:** Page 13.

[23] **MR. GRAFTON:** And on page 50, you list me as
[24] the Chief City Planner. I thank you for the
[25] promotion, but I'm not. I am a Senior Planner.

Page 16

[1] **MR. KENNA:** My apologies and
[2] congratulations.

[3] **CHAIRMAN KIBBEY:** Or is that condolences?

[4] **MR. GRAFTON:** That's all.

[5] **CHAIRMAN KIBBEY:** We will then continue with
[6] the ad hoc. Barbara?

[7] **MS. GONZALES-LYONS:** Yes. I just have a
[8] couple questions or concerns.

[9] On the cultural/native aspects that you have
[10] on Alternative A and C, you have B is the same as A
[11] and C or —

[12] **CHAIRMAN KIBBEY:** What page are you
[13] offering?

[14] **MS. GONZALES-LYONS:** The Executive Summary,
[15] 36.

[16] **CHAIRMAN KIBBEY:** You are getting ahead of
[17] us. Can you wait till we get there?

[18] **MS. GONZALES-LYONS:** Oh. I am sorry. All
[19] right. I will wait, then.

[20] **CHAIRMAN KIBBEY:** All right. Thank you.
[21] Still on page ES-23, "Trail Use," fifth
[22] bullet. There was doubt expressed that the Sheep
[23] Ambassadors were worth the expense and should perhaps
[24] be discontinued — should not be continued? Same
[25] difference.

Page 164

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] MR. KENNA: I guess at that point I will
[2] just take that as a comment.
[3] CHAIRMAN KIBBEY: Okay. Executive Summary
[4] page ES-24, "Camping."
[5] MR. CRITES: Oh, Mr. Chairman?
[6] CHAIRMAN KIBBEY: Yes, Buford?
[7] MR. CRITES: It might be of value to see if
[8] we have any other comments from the Committee on the
[9] trails use component.
[10] CHAIRMAN KIBBEY: That went without saying.
[11] I said anytime —
[12] MR. CRITES: I am just saying, just sort of
[13] formally say, "Anything else on the trails anybody
[14] else wants to" —
[15] CHAIRMAN KIBBEY: Anything else on the
[16] trails that anyone else would like to input that we
[17] didn't go to on trails?
[18] MR. CRITES: Yes.
[19] CHAIRMAN KIBBEY: Yes, sir, Buford?
[20] MR. CRITES: Yes. Perhaps by not
[21] mentioning, it's mentioned. But I think on trails
[22] use, the issue of where or where not would mountain
[23] bikes be allowed ought to be addressed. And I know
[24] that by not addressing it in some ways that addresses
[25] it, but that, in a lot of parts of the U.S. and the

Page 165

[1] Western United States, is a significant issue between
[2] hikers and equestrians and all the rest of that. And
[3] I know part of that, also, are city issues and
[4] everything, but it needs to be in here.
[5] MR. KENNA: I think that's a reasonable
[6] request.
[7] CHAIRMAN KIBBEY: Would that be under — we
[8] have to jump ahead, but we have a section here,
[9] "Motorized Vehicles" —
[10] MR. CRITES: Well, that's not motorized.
[11] Mountains bikes, bicycles.
[12] CHAIRMAN KIBBEY: I am sorry. I
[13] misunderstood.
[14] MR. CRITES: No. Not motorcycles. And I
[15] think it would go in that first section.
[16] CHAIRMAN KIBBEY: Yes, Allan?
[17] MR. MUTH: Centering on a parochial issue,
[18] one of the trails —
[19] CHAIRMAN KIBBEY: You need to speak up. She
[20] can't hear you.
[21] MR. MUTH: One of the proposed trails is
[22] dead on arrival for crossing from Palm Desert to
[23] La Quinta because it went right through the middle of
[24] our Research Center. We were never approached by
[25] anybody to talk about this. How come? Are there

Page 166

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] other proposal orders that go across similar areas
[2] where the owners of that property aren't even aware of
[3] it? I see some agreement over there from our
[4] neighbors in Indian Wells.

[5] So this is a serious issue. If you are going
[6] to want definition of where the trails are going to
[7] be, this is a problem.

[8] **CHAIRMAN KIBBEY:** Buford? Let's let Jim
[9] comment first.

[10] **MR. CRITES:** I would just add to that
[11] comment.

[12] **CHAIRMAN KIBBEY:** You are just going to
[13] expand; right?

[14] **MR. CRITES:** Right. Because I think it's a
[15] misidentification.

[16] **CHAIRMAN KIBBEY:** Were other people involved
[17] in this?

[18] **MR. KENNA:** Yes. I mean, to go back to the
[19] process that led to the development of this, it grew
[20] out of the Multiple Species Plan, and all of the
[21] cities, all of the — you know, certainly the
[22] university were involved. But this particular set of
[23] trails, the three alignments between Palm Desert and
[24] La Quinta, that really was at the very, very, very
[25] tail end of the process. And I do acknowledge that,

Page 167

[1] you know, the groups had pretty well thinned out at
[2] that point.

[3] So you're right. I mean, it's a fair
[4] criticism to say that there's still work to be done
[5] with Indian Wells and with the Research Center.
[6] That's a fair criticism.

[7] **CHAIRMAN KIBBEY:** Buford?

[8] **MR. CRITES:** I'd also add, I think, that the
[9] alternative that was referred to that day as skirting
[10] the edge of UC ended up coming out in the Plan as
[11] identified as a canyon that goes right through UC.
[12] Coyote or whatever it is.

[13] **MR. MUTH:** No. That was a third
[14] alternative. It did go through Coyote Canyon and
[15] right on down. But they also identified the trail
[16] that we had discussed at Ironwood and — as another
[17] alternative as well as one going through the Living
[18] Desert. Those were the three alternatives. That was
[19] not a misidentification.

[20] **MR. CRITES:** Okay.

[21] **CHAIRMAN KIBBEY:** Comment well taken?

[22] **MR. KENNA:** Yes. I think we do understand
[23] that there's work to be done there still.

[24] **CHAIRMAN KIBBEY:** Now are we done with
[25] trails?

Page 168

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] We will move on, then, to the ES-24.
[2] "Camping." We also have cross-country travel. Does
[3] any member have any comments concerning cross-country
[4] travel? The ad hoc committee did not.
[5] Jeff?
[6] **MR. MORGAN:** Yes. Cross-country travel is
[7] going to occur whether —
[8] **UNIDENTIFIED:** Louder, please.
[9] **MR. MORGAN:** Cross-country travel is going
[10] to occur in the Santa Rosa Mountains whether you like
[11] it or not. There are hundreds, maybe thousands of
[12] people out there who just go to climb specific peaks.
[13] Sheep Mountain, Haystack Mountain, whatever. There
[14] are lists of them they share between themselves. They
[15] have organizations that list them.
[16] And the prohibition of cross-country travel
[17] should, I believe, keep it reasonable for everyone,
[18] the participants in these activities be the same as
[19] the Seasonal Area Closures. In other words, if you
[20] are closing the trails in that time, you should also
[21] close it to cross-country travel in that time. But
[22] when the trails are open, the cross-country areas
[23] should be open so those people can go in and do what
[24] they do anyway.
[25] That's just a comment.

Page 169

[1] **MR. KENNA:** Okay. We can take a look at
[2] that. I am not ready to pronounce on the biology of
[3] that on the spot.
[4] **CHAIRMAN KIBBEY:** Anything else on
[5] cross-country trails?
[6] Okay. Under "Camping," the ad hoc committee
[7] suggests that we change the word "essential sheep
[8] habitat" to "Seasonal Trail Area." There's a large
[9] area of the Monument outside the designated Seasonal
[10] Travel Area.
[11] Did I say "travel"? I meant "trail."
[12] You've got an accompanying map, Jim, that
[13] shows —
[14] **MR. KENNA:** Right.
[15] **CHAIRMAN KIBBEY:** — the Seasonal Trail
[16] Area. And we just felt that what you were talking
[17] about was truly designated within the Seasonal Trail
[18] Area, not the entire essential sheep habitat.
[19] **MR. KENNA:** Right. The two things are
[20] geographically different, if I am remembering the
[21] mapping correctly, and I think there's a deliberate
[22] attempt in the Seasonal Trail Area — it actually is
[23] smaller than the essential habitat.
[24] **CHAIRMAN KIBBEY:** That's correct. That was
[25] the notation.

Page 170

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] **MR. KENNA:** And if, in fact, the differences
[2] are not clear, which I think is the comment, we should
[3] clean that up..Is that right?
[4] **CHAIRMAN KIBBEY:** That's correct. Either
[5] change the wording, which would then match your map,
[6] and that's the area —
[7] **MR. KENNA:** Oh, okay. You are saying that
[8] we've got a map that's mismarked?
[9] **MR. MORGAN:** No.
[10] **MR. KENNA:** I guess I am not understanding
[11] what the issue is.
[12] **CHAIRMAN KIBBEY:** Well, you've got a map
[13] that shows purple, and it's called the Seasonal Trail
[14] Area.
[15] **MR. KENNA:** Okay.
[16] **CHAIRMAN KIBBEY:** But yet the area that you
[17] are talking about that would be closed or affected
[18] within that Seasonal Trail Area, by saying the
[19] "essential sheep habitat," you then extended that
[20] outside that Seasonal Trail Area.
[21] **MR. KENNA:** Okay. I understand the comment
[22] now. I wasn't connecting. Now I've got it.
[23] **CHAIRMAN KIBBEY:** We are just changing those
[24] words so that what you are trying to say matches your
[25] map.

Page 17.

[1] **MR. CRITES:** I'd also at least suggest that
[2] within the Seasonal Trail Area, those trail areas that
[3] are open given times within that perimeter should have
[4] at least potential of camping, assuming they obey all
[5] the other BLM regulations, a quarter of a mile from
[6] water and so on and so on and so forth. But if you
[7] can walk through it, you ought to be able to sit down
[8] and take a nap.
[9] **MR. KENNA:** It's just that you should not
[10] take a nap.
[11] **CHAIRMAN KIBBEY:** He will need a rock to put
[12] his head on; right?
[13] Any other comments, then, on the camping
[14] section?
[15] Then we go on to dogs. Any comments on dogs?
[16] Yes, Larry?
[17] **MR. GRAFTON:** I think that you need to
[18] check. Under Alternative B, they have an exemption,
[19] seeing-eye dogs. I think there's terminology, and I
[20] can't remember if it's "companion dogs" or something
[21] else. There's other people who need to use animals
[22] for assistance. And I don't know what that
[23] terminology is, so —
[24] **MR. KENNA:** We can check that. I mean,
[25] you're right. Whatever it is in the regulation is

Page 172

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] probably what we should be using if we didn't use the
[2] right thing. Good point.

[3] **CHAIRMAN KIBBEY:** Other comments on dogs?

[4] **MR. MUTH:** Is that on your sheet.

[5] Mr. Chairman?

[6] **CHAIRMAN KIBBEY:** I am sorry?

[7] **MS. HENDERSON:** No. We only did trails on
[8] that.

[9] **CHAIRMAN KIBBEY:** We didn't do dogs.

[10] **MS. GONZALES-LYONS:** I just have a comment.

[11] **CHAIRMAN KIBBEY:** Yes, Barbara?

[12] **MS. GONZALES-LYONS:** On No. 3, it says "Dogs
[13] kept in vehicles." What do you mean by that?

[14] **MR. KENNA:** What page are we on?

[15] **MS. GONZALES-LYONS:** On ES-24, on dogs. You
[16] have, "The following are exempt from the prohibition
[17] of not having dogs." And they are, "Seeing-eye dogs;
[18] dogs assisting law enforcement; and dogs kept in
[19] vehicles."

[20] I mean — what do you mean by that? If I
[21] have a dog, I can take him up there as long as it's
[22] kept in the car, and if it gets overheated then the
[23] dog dies?

[24] **MR. KENNA:** Well, certainly, we are not
[25] trying to suggest that anyone should kill their dog by

Page 173

[1] leaving them in a vehicle, but I do think the intent
[2] is that if you are up there with a dog and you want to
[3] get out in the Monument, that as long as you leave the
[4] dog in the car — and presumably the dog owner would
[5] come back soon enough so that the dog would be okay,
[6] but — that that is permissible. The idea is to not
[7] have the dogs out into that habitat. So if someone
[8] sees a dog having stress — that's what happens here
[9] in the desert. I mean, it gets heated. The car
[10] temperature gets — what? — 10 degrees higher?

[11] **MS. GEORGE:** At least.

[12] **MS. GONZALES-LYONS:** Then the outside
[13] temperature — no one is going to be able to do
[14] anything for that dog because it's permitted to keep
[15] him locked in a car.

[16] **MR. KENNA:** Well, I mean, assuming we ran
[17] into a specific circumstance like that, I think we
[18] probably could figure out what to do, whether it would
[19] be, you know, getting ahold of a person — an official
[20] person if they were in the area, whether it was the
[21] BLM or highway patrol or whatever.

[22] Another option is, you know, I guess the risk
[23] is that, you know, if you took the dog out, there
[24] might be a violation involved. But I suppose if it
[25] were on balance the dog's life or something like

Page 174

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] that, you might make some judgments there. And I
[2] think each individual probably might make those
[3] differently, but I think that's okay.

[4] **MS. GONZALES-LYONS:** Okay.

[5] **CHAIRMAN KIBBEY:** New trail development,
[6] page ES-25. "There was a question raised as to the
[7] July 1 to January 14 limit for trail construction,
[8] since those are perimeter trails and mostly not within
[9] the essential sheep habitat area."

[10] **MR. KENNA:** I think this was a comment we —
[11] or a question Buford asked earlier. And I think at
[12] this point we'd have to think about that in terms of
[13] the biology and the locations and — but I think what
[14] you are asking is there may be some areas where it
[15] might make sense to go ahead and continue construction
[16] outside of that time period.

[17] And I guess we need to take a look at that.
[18] I can't —

[19] **CHAIRMAN KIBBEY:** We are suggesting perhaps
[20] some additional verbiage might be necessary.

[21] **MR. KENNA:** Okay.

[22] **CHAIRMAN KIBBEY:** Buford?

[23] **MR. CRITES:** I hear Fish & Game's comment
[24] about noise, and you can do things that prohibit noise
[25] above X level. So if somebody is dynamiting or

Page 175

[1] running a bulldozer, that's one thing, but a lot of
[2] trail building isn't any noisier than some people
[3] taking a walk.

[4] **MR. KENNA:** I think your point is understood
[5] and taken, and I think what we need to do is go back
[6] and take a look at the underlying rationale for that
[7] and make sure that, you know, we are consciously going
[8] one way or the other and just not prepared to do that
[9] on the spur.

[10] **MR. CRITES:** The other issue is right now,
[11] the alternative suggests that you can't go higher than
[12] 200 feet. And that kind of blanket statement that's
[13] in there is probably not particularly good — if I
[14] were doing trails construction, you might want to say
[15] "generally should not" or something, but there may be
[16] places where going above 200 feet is less destructive
[17] of areas and is easier to build and better for hikers
[18] and everything else than some kind of flat line that
[19] you can't move above.

[20] **MR. KENNA:** Fair point.

[21] **CHAIRMAN KIBBEY:** Second comment. "Murray
[22] Hill Facilities: It is suggested the word
[23] 'permanently' be inserted prior to the word
[24] 'relocated' in the third line," once again, to better
[25] describe what you really want to do. The way it reads

Page 176

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] now is you could be meaning to move it back and forth.

[2] Anything else under "New Trail Development"?

[3] **MS. HENDERSON:** Yes, Mr. Chairman.

[4] **CHAIRMAN KIBBEY:** Yes, Terry.

[5] **MS. HENDERSON:** Terry Henderson, La Quinta.

[6] Have we identified a funding for any of these

[7] trails? Is it going to be your budget?

[8] **MR. KENNA:** Well, I think it's most likely

[9] going to be a combination and it's going to vary from

[10] trail to trail to trail depending on the jurisdictions

[11] that might be involved in any specific area. Clearly,

[12] there will be parts of this where BLM lands are

[13] involved where we are certainly going to end up

[14] playing a role.

[15] **MS. HENDERSON:** Is the funding issue being
[16] addressed through the Multiple Species Habitat Plan?

[17] **MR. KENNA:** I don't think — and there may
[18] be others here in the cities that can correct me if I
[19] get out of bounds here, but my recollection is that
[20] was not included in the cost calculations for the
[21] Multiple Species Plan.

[22] But I would certainly defer to any of the
[23] other representatives from the cities who might know
[24] the details of the cost calculations better than I do.

[25] **MS. HENDERSON:** Well, Mr. Chairman, as the

Page 177

[1] Executive Director of the BIA, do you know if part of
[2] the development fee that is being associated with the
[3] Multispecies, is there going to be a percentage set
[4] aside of that for new trail development?

[5] **CHAIRMAN KIBBEY:** Not to my knowledge at
[6] this time.

[7] **MR. KENNA:** I don't think so.

[8] **CHAIRMAN KIBBEY:** The discussions which are
[9] still very preliminary as to the cost requirements of
[10] the Multispecies Plan basically around the cost of
[11] land. However, there will be an upcoming meeting
[12] where we will be talking about fees, and I'm sure at
[13] that time there will be areas such as you've suggested
[14] brought up as perhaps to be a portion of that fee.

[15] But at this time all figures that I've seen
[16] have been based entirely on the potential cost of land
[17] that might be involved within the area of the
[18] Multispecies Plan.

[19] **MS. HENDERSON:** Well, I would recommend as
[20] we go through the various working groups on — or with
[21] this proposal that we start to surface this funding
[22] issue, because the plan — and identifying the nine
[23] years, eight years, even if we want to go 15 or down
[24] to two, it's not going to matter if we don't know
[25] where the funds are going to come in from.

Page 178

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] MR. KENNA: I think that's a point well
[2] taken, and particularly in light of — I mean, there's
[3] certainly — at least we hope to see some National
[4] Monument funding dedicated to these trails issues both
[5] on the BLM and the Forest Service side.

[6] There also are a number of areas where other
[7] jurisdictions will be engaged and I don't know what
[8] their ability to contribute to trails construction on
[9] perimeter trails, for example, might be, but we would
[10] anticipate seeing some sort of a partnership and
[11] certainly in areas where there's substantial ownership
[12] by a city.

[13] CHAIRMAN KIBBEY: And since the cause of
[14] relocation of the trails is Fish & Game and Fish &
[15] Wildlife, it would be probable to believe that they
[16] would put in sizable amounts of funds for construction
[17] of the trails.

[18] MR. KENNA: I think I am going to duck that
[19] one.

[20] CHAIRMAN KIBBEY: My apologies again. I
[21] jumped Trail Rerouting and Trail Decommission and
[22] Removal in my haste to get to Murray Hill Facilities.
[23] So Trail Rerouting, were there any comments there?
[24] And Trail Decommission and Removal, any comments
[25] there?

Page 1

[1] All right. Then we get to the Murray Hill
[2] Facilities. And I think we are just suggesting you
[3] insert the word "permanently."

[4] MR. KENNA: Okay.

[5] CHAIRMAN KIBBEY: We just wondered whether
[6] we were going to see Jim up there every year carrying
[7] the tables up and down.

[8] MR. KENNA: That would be good for me as far
[9] as exercise.

[10] CHAIRMAN KIBBEY: Okay. And then we come to
[11] Noncommercial, Noncompetitive Organized Group
[12] Activities. Again, operating under Alternative B.
[13] Comments there?

[14] We will go on, then, to Nonmotorized
[15] Commercial Recreational Activities. This is on page
[16] ES-26.

[17] And then turning to ES-27, Motorized
[18] Commercial Recreation Activities, the ad hoc committee
[19] had a note, "MAC will probably be suggesting that the
[20] portion of Dunn Road from Highway 74 to the north side
[21] of the orchard be open for year-round use to provide
[22] opportunities to utilize two trails in the area."

[23] Stopping right at that point, the ad hoc
[24] committee and, also, the tour group when we toured the
[25] area was led to understand that Fish & Game, Fish &

Page 180

PC 160

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] Wildlife would have no problem with that area since it
[2] is outside of the area that the sheep actually — just
[3] stopping at that point for a moment for discussion,
[4] since it was brought up, and perhaps Fish & Game would
[5] like to —

[6] **MR. KENNA:** I am not going to comment on a
[7] position that Fish & Game or Fish & Wildlife Service
[8] may or may not take, other than I think it's a
[9] reasonable thing to analyze.

[10] **MS. CADY:** Jim, we can't hear you back here.

[11] **MR. KENNA:** I am sorry.

[12] **MS. HENDERSON:** We can't hear him up here.

[13] **MR. KENNA:** I just — it's sort of like
[14] you — I don't know if you expect me to take a
[15] position on what the Fish & Wildlife Service and Fish
[16] & Game might do, but that seems inappropriate.

[17] **CHAIRMAN KIBBEY:** No. No.

[18] Yes? At first.

[19] **MR. MUTH:** Just a point of clarification.
[20] Where is the essential sheep habitat line relative to
[21] the orchard? Where is that?

[22] **CHAIRMAN KIBBEY:** Jeff?

[23] **MR. MORGAN:** Jeff Morgan.

[24] I am looking at this map with the essential
[25] sheep habitat line, and it is approximately one-half a

Page 181

[1] mile before the end of the orchard where the access
[2] road to Dunn Road from Pinyon makes a right turn at
[3] the end of the orchard. The essential sheep habitat
[4] line is approximately one-half mile to the south of
[5] that point.

[6] **MR. MUTH:** South? Not north?

[7] **MR. MORGAN:** Not north. South.

[8] **CHAIRMAN KIBBEY:** So essential sheep habitat
[9] would then take in a small part of the orchard?

[10] **MR. MORGAN:** A small part, yes.

[11] **CHAIRMAN KIBBEY:** A small part of the
[12] orchard.

[13] Does that answer your question, Al?

[14] **MR. MUTH:** Yes.

[15] **CHAIRMAN KIBBEY:** Okay. Gary?

[16] **MR. WATTS:** Having been on a field trip and
[17] recognizing the value of those trails from a
[18] recreational standpoint, I have to put on my other hat
[19] here representing Fish & Game Department as well, and
[20] their feelings are pretty strong that they wouldn't be
[21] able to support this beyond a line, as Jeff just spoke
[22] to.

[23] So I couldn't support on behalf of Fish &
[24] Game the language unless there was an alternative such
[25] as it stopped at a critical line or trailhead or

Page 182

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] staging area. So I just wanted to get that on the
[2] record.

[3] **CHAIRMAN KIBBEY:** Okay. Buford?

[4] **MR. CRITES:** That area, the — I think BLM
[5] and City of Palm Springs and the Forest Service and
[6] Friends of the Mountains and all of that spent the
[7] last four or five years trying to lower the amount of
[8] illegal trespass, off-roading, shooting, and
[9] everything else back there and have barely begun to
[10] make, I think, a significant positive dent in that,
[11] and a proposal like this would throw open a road into
[12] an area that is in the city limits of the City of Palm
[13] Springs but has no visitation in terms of patrols from
[14] there, no patrolling from either of the federal
[15] agencies.

[16] I think the opening of this is an invitation
[17] to a disaster in terms of what it would do to that
[18] area of the National Monument, which is not to say
[19] that under controlled situations people shouldn't go
[20] in, shouldn't hike, shouldn't do this and that, but
[21] this asks for a general improved graded road, packing
[22] area, et cetera, et cetera, which leads right to the
[23] heart of Palm Canyon, which leads right into the heart
[24] of other sheep habitat and everything else.

[25] I certainly couldn't find any support for

Page 183

PC 160

[1] this at this time at all personally.

[2] **CHAIRMAN KIBBEY:** Other comment?

[3] I have a comment here from Bill Havert, who
[4] couldn't make today's meeting.

[5] He says, "I do not concur with the upper Dunn
[6] Road being improved all the way to the orchard to
[7] allow use of all types of street vehicles. I think
[8] that entails too much improvement. Street vehicles
[9] can make it to Section 29, T6S, R5E now" — wherever
[10] that is. That was my comment. I would leave it that
[11] way — "and provide a parking area and trailhead in
[12] Section 29, possibly even provide remote camping
[13] facilities. I would limit access beyond that to
[14] pedestrian, mountain bike, and equestrian."

[15] Jeff, you have the map there. Can you help
[16] us; what's he talking about?

[17] **MR. MORGAN:** This Section 29, the Friends
[18] section. This is a question for —

[19] **CHAIRMAN KIBBEY:** Buford? Yes.

[20] **MR. CRITES:** I could support making the
[21] parking area by the Forest Service a gate, and the end
[22] of Section 29, the north end of Section 29. It would
[23] increase the walk in terms of the trailhead by
[24] approximately 25 minutes, maybe a little bit longer.

[25] **CHAIRMAN KIBBEY:** Is that the first gate or

Page 184

PC 160

PC 160

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] the second gate?

[2] **MR. MUTH:** The first gate. The second gate
[3] is where the corral is. At the end of the northern
[4] section of 29, the parking area there would be —

[5] **MR. INGRAM:** It's the old first gate.

[6] **MR. MORGAN:** The old first gate.

[7] **CHAIRMAN KIBBEY:** Where Jerry lives?

[8] **MR. INGRAM:** No. That's the second gate.
[9] The first gate.

[10] **MR. MORGAN:** All right. Most of the people
[11] don't know where Jerry lives, so I am saying the
[12] northern boundary of Section 29 where the road meets
[13] the northern boundary has a gate.

[14] **CHAIRMAN KIBBEY:** So the very first gate is
[15] where Bill is saying that's where it ought to end?

[16] **MR. MORGAN:** No. He is saying —

[17] **MR. CRITES:** Yes. That's what he's saying.

[18] **MR. INGRAM:** Asbestos mines is Section 28.
[19] Twenty-nine is right across the road. Section 29 is
[20] where Mike Dunn used to come up on the weekend, stay
[21] in the double-wide right there. That's 29.

[22] Twenty-eight is asbestos, the old mine.

[23] **CHAIRMAN KIBBEY:** Okay. We have a
[24] difference of opinion. And so for the Committee to
[25] make any comment on this, we would need a motion and a

Page 185

[1] vote. Otherwise, there would be no comment on this
[2] section.

[3] Do I have a motion?

[4] **MR. MORGAN:** I will make a motion that we
[5] still consider parking on the trailhead in that area.
[6] If nobody wants to go beyond the Forest Service gate
[7] at this time, that's fine, but it should be that
[8] Forest Service gate, because people — it just gets
[9] too far to walk when you have to walk an hour and a
[10] half to get to the trailhead. People won't go there.

[11] And I know that land is currently owned by
[12] the Friends of the Desert Mountains. They are
[13] cleaning it up. They are going to arrange to transfer
[14] it to the Forest Service at some stage in the future.

[15] But the gate, the second gate, which everyone
[16] seems to agree is the one there, is a defensible
[17] position for vehicles, off-road vehicles going
[18] through. There's a barrier. There's fencing.
[19] There's a fairly secure gate. I think that's a
[20] reasonable compromise situation. So I propose that we
[21] consider a parking area at that point that will allow
[22] access to the trails that go down there. That's the
[23] Indian Potrero Trail and the Dunn Road Trail. Both of
[24] those trails are outside of the Seasonal Closure Area.
[25] They will be open year-round.

Page 186

PC 160

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] **CHAIRMAN KIBBEY:** You have kind of mixed a
[2] motion with a discussion. Can we back up and can we
[3] just — just a motion, please?
[4] **MR. MORGAN:** Yes. The motion is that we
[5] consider opening up the area by the Forest Service
[6] gate at the northern end of Section 29.
[7] **CHAIRMAN KIBBEY:** Do I have a second to that
[8] motion?
[9] **MS. HENDERSON:** Second.
[10] **CHAIRMAN KIBBEY:** We have a second by Terry.
[11] Any discussion on the motion? Barbara?
[12] **MS. GONZALES-LYONS:** I am just wondering if
[13] we can make recommendations on land that may or may
[14] not be within our sphere of making these decisions.
[15] If it's privately owned by an organization, how are we
[16] making comments to open it up when we don't even know
[17] what they want to do with it? I mean, we may make
[18] whatever comments we want and keep opening it up or
[19] putting a road here, putting it there. They may
[20] totally want it closed. And they own it. They can
[21] close it.
[22] **CHAIRMAN KIBBEY:** All we are doing is making
[23] comments —
[24] **MS. HENDERSON:** Recommendations.
[25] **CHAIRMAN KIBBEY:** — on Alternative B,

Page 18

PC 160

[1] Motorized Commercial Recreation Activity. That's all
[2] we are doing is recommending that. Whatever people do
[3] or anything like that, whether BLM incorporates our
[4] recommendation or anything, that's up to BLM and up to
[5] the people on the property.
[6] **MR. KENNA:** One other point, if I may,
[7] Mr. Chairman.
[8] The other thing that's important here
[9] particularly regarding Barbara's point is that, as I
[10] indicated, that will go through an additional group.
[11] There's an EIR/EIS associated with the Multiple
[12] Species Plan that will come out in the fall, and the
[13] intent is that the trail planning process work across
[14] jurisdictions, including the nonfederal jurisdictions.
[15] All we have done in our part of this process is the
[16] coordination role for the entire group.
[17] And so that's why — and not just in this
[18] instance, but there are cases where perimeter trails,
[19] for example, may be proposed on land that there isn't
[20] even any BLM land, for example. The trails planning
[21] process is a little different animal than some of the
[22] parts of the Plan Amendment.
[23] **CHAIRMAN KIBBEY:** AI?
[24] **MR. KENNA:** I hope that helps.
[25] **MR. MUTH:** I am still confused. I don't

Page 188

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] know where Jerry lives, but —
[2] **MR. CRITES:** Across the street from the pig.
[3] **MR. MUTH:** Is that where the pig lives?
[4] **MR. CRITES:** Across the street from the pig.
[5] **MS. WATLING:** Ruth Watling.
[6] There will be a great fear if you put parking
[7] in there for public access from the community members.
[8] It won't go over easily.
[9] **MR. KENNA:** Thank you.
[10] **CHAIRMAN KIBBEY:** Any other comments on the
[11] motion?
[12] All in favor of the motion, say, "Aye."
[13] (Vote.)
[14] **CHAIRMAN KIBBEY:** Any opposed, "Nay"?
[15] (Vote.)
[16] **CHAIRMAN KIBBEY:** Well, let's do hands,
[17] then.
[18] Opposed? One, two, three, four, five
[19] opposed. All those for the motion? One, two, three,
[20] four, five, six.
[21] The motion passes.
[22] **MR. CRITES:** Count the noes again. There
[23] were six opposed.
[24] **CHAIRMAN KIBBEY:** There were six opposed?
[25] All right. Let's try it one more time.

Page 189

[1] All right. Let's go for the ayes; all right?
[2] Everyone in favor of the motion, please hold your land
[3] up and keep it there. One, two, three, four, five,
[4] six.
[5] Everybody agree with that vote? Six for.
[6] All those opposed, please raise your hand.
[7] One, two, three, four, five.
[8] **MR. CRITES:** Six. One, two, three, four —
[9] six.
[10] **CHAIRMAN KIBBEY:** And I being the tie
[11] breaker vote in favor of the motion. The motion
[12] passes.
[13] **MS. HENDERSON:** Mr. Chairman, before we move
[14] on to the next item here, might I ask — in a broader
[15] picture here, how this motorized section is affecting
[16] the tours that are currently — well, maybe they
[17] aren't currently operating. Is there any window here
[18] for that kind of a private enterprise to continue,
[19] maybe not where it is currently, but some other
[20] location? Have we accommodated that?
[21] **MR. KENNA:** Well, first answer is no. Tours
[22] are not currently operating.
[23] Second part of that is there is opportunity
[24] to consider that type of use in parts of the Monument.
[25] However, currently, there are private land constraints

Page 190

PC 160

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] that make that relatively impractical.

[2] **MS. HENDERSON:** You mean for a connector
[3] trail or just there are parts here, here, and here,
[4] but they may not connect?

[5] **MR. KENNA:** No, I mean that the motorized
[6] tours, there are private landowners that will not let
[7] such a tour across.

[8] **CHAIRMAN KIBBEY:** Wait a minute. That's it?

[9] **MS. HENDERSON:** Well, I still want to —
[10] well, I heard him say that there is an opportunity for
[11] that except — so then there isn't an opportunity?

[12] **MR. KENNA:** Well, I mean, the plan that we
[13] are doing is for a long time. And whether there ever
[14] will be an opportunity is another question, and it
[15] does look to a — it is a narrow opportunity because
[16] it basically is a situation where there would be
[17] constraints on the opportunity. So it would be more
[18] limited than it has been at any time in the past. But
[19] it is not totally excluded under this Plan Amendment.

[20] **CHAIRMAN KIBBEY:** Buford?

[21] **MR. CRITES:** I think what Jim perhaps is
[22] overly polite in describing is a private individual, a
[23] guy named Jim Blixseth, whose interest in sheep does
[24] not extend to not having a golf course in his yard,
[25] who bought both land at the bottom and near the top of

Page 191

[1] the Dunn Road and then has refused to allow BLM access
[2] across that land that he now owns and refuses to allow
[3] anyone to have access for, as an example, Desert
[4] Adventures or any of those groups.

[5] My personal bias is they probably brought
[6] more people to the Monument in terms of people who'd
[7] never see it any other way and gave them information
[8] and a love for the desert than anything we've done.

[9] But be that as it may, one individual has, in
[10] essence, ended the entire public opportunity in that
[11] area.

[12] **MS. HENDERSON:** I appreciate that
[13] information, but that sounds like a link in a chain.
[14] Is there some portion of the chain that can exist
[15] without that link?

[16] **MR. KENNA:** In a practical sense at this
[17] point anyway, probably not.

[18] **MS. HENDERSON:** Well, he didn't buy the
[19] whole mountain.

[20] **MR. CRITES:** He bought both ends of the
[21] chain.

[22] **CHAIRMAN KIBBEY:** Terry, you can walk around
[23] his property, but you can't drive around his property.
[24] Some very rough, rugged hills right there.

[25] **MS. HENDERSON:** Right.

Page 192

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] **CHAIRMAN KIBBEY:** The second portion, then,
[2] returning to Motorized Commercial Recreation
[3] Activities, page ES-27, we would suggest that language
[4] be added that would prohibit through travel on the
[5] remainder of Dunn Road, the remainder then being from,
[6] according to the motion that we passed, the Forest
[7] Service gate to the bottom.

[8] **MR. KENNA:** Okay.

[9] **CHAIRMAN KIBBEY:** No comment required. We
[10] just would suggest that that might be considered.

[11] **MR. KENNA:** I think I understand the
[12] comment.

[13] **CHAIRMAN KIBBEY:** Okay. So then we get to
[14] Competitive Recreation Events. Any comments there?

[15] Going on to Motorized Vehicle Use of Trails.
[16] Comments there?

[17] And ending with Public Outreach. Any
[18] comments there?

[19] Unless any Committee member has further
[20] comments, that would then complete the Committee's
[21] recommendation to BLM on their Draft Trails Plan.

[22] **MR. BOGERT:** Can I ask one question?

[23] **CHAIRMAN KIBBEY:** Yes, sir. Frank?

[24] **MR. BOGERT:** It seems like we have been
[25] universally talking about Plan B. Has there ever ever

Page 193

[1] been any official approval of Plan B?

[2] **MR. KENNA:** No. At this point, what is out
[3] there is BLM had to do an environmental impact
[4] statement and that had to include both the range of
[5] alternatives and a preferred alternative. What, in
[6] effect, has happened is we have taken the status of
[7] the preferred alternative at the time we issued the
[8] document, we have done an EIS analysis on that, and
[9] that's out there.

[10] But as I indicated, there is still the draft
[11] EIR/EIS related to Coachella Valley Multispecies Plan
[12] that then will bring the local jurisdiction's part of
[13] the process together with what is going on on the
[14] federal side. And the decision point for that is
[15] probably, I would say, early next year. It's a guess.

[16] **MR. BOGERT:** Thank you.

[17] **CHAIRMAN KIBBEY:** And, Frank, in response
[18] to — as far as the ad hoc committee is concerned —
[19] and I erred in not saying this, the earlier discussion
[20] of the ad hoc committee agreed that B was generally
[21] the accepted alternative as far as the committees were
[22] concerned. So that's the one we addressed, was
[23] Alternative B.

[24] Thank you very much. I'm.

[25] I hope that that's what you wanted from us.

Page 194

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] MR. BROCKMAN: Mr. Chairman?

[2] CHAIRMAN KIBBEY: Yes, sir.

[3] MR. BROCKMAN: Do you need a motion on the
[4] ad hoc committee's recommendations on all the other
[5] items?

[6] CHAIRMAN KIBBEY: If it's the pleasure of
[7] the Committee. My feeling was that we were providing
[8] input to the BLM and by stepping through each one of
[9] the sections, we were giving that representation of
[10] the Committee's beliefs and that would end it.

[11] But if you wish to make a motion, certainly
[12] the Chair is open to that.

[13] MR. BROCKMAN: I would move that with the
[14] exception of the one that we have already voted on —

[15] CHAIRMAN KIBBEY: I think the correct
[16] motion, then, would be the ad hoc committee's
[17] recommendation as amended?

[18] MR. BROCKMAN: Yes.

[19] CHAIRMAN KIBBEY: Do we have a second for
[20] that?

[21] MR. BOGERT: Second.

[22] CHAIRMAN KIBBEY: I have a second from
[23] Frank. Comment? Discussion?

[24] All those in favor, signify by saying, "Aye."
[25] Any opposed? The motion passes.

Page 19

[1] Thank you, Bob.

[2] Okay. Let's see. We are now rushing ahead
[3] to, "Recommendations by the Committee Regarding
[4] National Monument Plan Issues/Concerns/Opportunities
[5] for Development of Draft Plan Alternatives."

[6] It says the Chair of the Committee has this
[7] little job. I don't know.

[8] What's expected of me, Connell?

[9] MS. DUNNING: This time was allotted at the
[10] end of this meeting to provide for recommendations
[11] similar to what Gary provided earlier; your ability to
[12] just say individually some recommendations that you
[13] have. And it's also my time to provide for you a
[14] little bit of framework which we have already
[15] discussed a little bit about how we are going to get
[16] your input in the future.

[17] So we could start with if you have any
[18] individual recommendations just from what you've heard
[19] so far, potential solutions, creative methods of
[20] addressing some of the problems, some of the
[21] inconsistencies that have come forward.

[22] I could also provide — in this time frame,
[23] I'd also like to provide and have a little bit more
[24] discussion about where each different issue area can
[25] be pulled into the working groups that we already have

Page 196

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] established. Some of them don't quite fit. But I
[2] think they can fit.

[3] So I want to make sure that we have kind of
[4] an understanding among all of us which areas we could
[5] address that have been brought forth by the public in
[6] those working group areas.

[7] **CHAIRMAN KIBBEY:** Let's begin, then, with
[8] the first portion of Connell's statement, and that is
[9] does any individual Committee member have a suggestion
[10] as to either process or area of concern that has not
[11] been touched on or maybe they want to expand upon it?

[12] Start over here.

[13] **MR. LYMAN:** Bob Lyman. I think that one of
[14] the comments that we made earlier today is we wanted
[15] some starting point. As we went through this document
[16] on the trails, that was the starting point and
[17] everybody was able to return comments, look at it, be
[18] able to begin packaging things.

[19] And I think that's kind of the direction we
[20] need to — we are kind of at that ethereal stage here.
[21] And I think everybody had that document and was able
[22] to move forward with it. And I think that's something
[23] if we are going to continue and get this plan in
[24] place, we've got to have something to look at.

[25] **MS. DUNNING:** Would you feel comfortable

Page 197

[1] brainstorming in the working groups and then having
[2] the output of that brainstorming coming back and then
[3] having that to discuss at this level?

[4] **MR. LYMAN:** I have no problem with that.

[5] Just so we have some sort of tangible starting point.

[6] **MS. DUNNING:** Right. I just wanted to
[7] capture your brainstorming.

[8] **CHAIRMAN KIBBEY:** Jeff? Any comments?
[9] Nothing?

[10] Bob?

[11] **MR. BROCKMAN:** Only to say that the planning
[12] work group did review the matrix that was prepared for
[13] our meeting about three weeks ago. And our comments
[14] follow very closely along with Gary's earlier today in
[15] terms of trying to consolidate fees, in terms of some
[16] uniformity in signs, and a number of other management
[17] practices.

[18] So I will leave it at that. But we did have
[19] very much the same feelings as Gary expressed earlier.

[20] **CHAIRMAN KIBBEY:** Bary?

[21] **MR. FREET:** Nothing.

[22] (Mr. Bogert exited the meeting.)

[23] **CHAIRMAN KIBBEY:** Bye, Frank.

[24] Barbara?

[25] **MS. GONZALES-LYONS:** No. Just that our

Page 198

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] committee is going to try and work out the same matrix
[2] and come back with that information.

[3] **CHAIRMAN KIBBEY:** Buford?

[4] **MR. CRITES:** No.

[5] **CHAIRMAN KIBBEY:** Terry?

[6] **MS. HENDERSON:** Well, I did have a concern
[7] that we are even going to this particular discussion
[8] right now given that I thought I heard Barbara
[9] prepared to give us some report from her work group
[10] regarding the cultural aspects which started on
[11] page 36 and she was pulled away. And I thought she
[12] was going to wait until after we did trails, which
[13] we've done. And then I thought we would hear from
[14] Barbara and what her group has potentially — the
[15] point that it's reached.

[16] I would agree that it would be nice to have
[17] that in writing, and I think we will by September 15
[18] for our next meeting, but I wanted to hear what
[19] Barbara had to say about the cultural aspect of this
[20] Plan. It sounded like she had comment.

[21] **MS. GONZALES-LYONS:** On this Plan?

[22] **MS. HENDERSON:** It sounded like she had
[23] something to tell us.

[24] **MS. GONZALES-LYONS:** If you don't mind?

[25] **CHAIRMAN KIBBEY:** No. To be truthful, I had

Page 199

[1] forgotten.

[2] **MS. GONZALES-LYONS:** I thought we would have
[3] another study session on that portion of it.

[4] **CHAIRMAN KIBBEY:** That referenced something
[5] in the Trails Plan, was it, or —

[6] **MS. GONZALES-LYONS:** No. It was the Trails
[7] Plan. And then —

[8] **CHAIRMAN KIBBEY:** What page was that?

[9] **MS. GONZALES-LYONS:** It's ES-36, I believe.

[10] **MS. HENDERSON:** Thirty-six or thirty-seven?

[11] **MS. GONZALES-LYONS:** Thirty-six. And they
[12] only have two alternatives. One alternative is called
[13] "Motorized Vehicles" in the cultural/native aspects
[14] and in the Trail Plan.

[15] And one, it says, "Allow the motor vehicles
[16] to go and let erosion happen as it happens."

[17] The next alternative is, "Close the roads and
[18] don't allow erosion to happen." I think there should
[19] be an alternative to those two. You know, you just
[20] can't close or keep it open. There's other
[21] alternatives, like rerouting of trails in the cultural
[22] areas, you know, maybe covering up cultural
[23] significant areas so that when the trails go through,
[24] it's not going to erode it.

[25] I think there could be other alternatives

Page 200

[1] other than one extreme to the other.

[2] **CHAIRMAN KIBBEY:** My understanding is that
[3] ES-36 is on the CDCA Plan and these have to do with
[4] roads, not trails.

[5] Is that correct, Danella?

[6] **MS. GEORGE:** Correct. But we'd asked for
[7] the Committee to provide recommendations on the CDCA
[8] Plan and the Trails Plan.

[9] **MS. GONZALES-LYONS:** Right.

[10] **MS. GEORGE:** From our last meeting of June,
[11] was to provide both to the CDCA Plan Amendment and the
[12] Trails Plan.

[13] **CHAIRMAN KIBBEY:** We didn't do that because
[14] our understanding was we were to be speaking only to
[15] the Trails Plan.

[16] **MS. GEORGE:** If you go back to the minutes
[17] of the last meeting, it's in there.

[18] **MS. GONZALES-LYONS:** And so they don't have
[19] any aspect within the trails at all about the culture.

[20] **CHAIRMAN KIBBEY:** Jim, does this have to do
[21] with trails in the Monument?

[22] **MR. KENNA:** Well, I think it probably is
[23] some of both. And maybe if we just, I think, grab
[24] what I think the essence of the comment is — and I
[25] think her comment is well taken — that there are

Page 201

[1] going to be situations where we really only have kind
[2] of one or the other.

[3] And most of that will have to do with the
[4] roads in the CDCA Plan Amendment itself, where we are
[5] pretty much either going to close them and
[6] rehabilitate them or we are going to keep them as part
[7] of some sort of an ethical point. One or the other.

[8] And most of that, if you look at it relative
[9] to the Monument, there are some routes in the vicinity
[10] of Snow Creek, and the area that we have been talking
[11] about at the upper end of Dunn road, there are some.
[12] Those are the two areas in the Monument. Most of the
[13] rest of it is either — like into the Martinez Canyon
[14] or very, very rugged and roadless, basically.

[15] So I think the universal things that we might
[16] do on roads is not that big. And so there, it might
[17] be pretty much an either/or. And we are generally
[18] going to try and err on, you know, having a decent
[19] road network but protecting the resources in that
[20] case.

[21] **MS. GONZALES-LYONS:** But aren't there
[22] alternatives for, like, either removal of those areas
[23] or covering them up?

[24] **MR. KENNA:** And in some of the route
[25] designations and pro- — proposed to Coachella Valley

Page 202

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] Plan Amendment, there are some where we are just not
[2] going to have a road there anymore. And the area that
[3] comes to mind where I think most of that is is right
[4] around the — between Snow Creek and Windy Point. But
[5] in respect of the trails, then, besides the motor —
[6] the trails, there's no aspect in here about culture
[7] dealing with the trails.

[8] **CHAIRMAN KIBBEY:** No.

[9] **MR. KENNA:** And if I understand your
[10] comment, what you want to make sure is that the
[11] rerouting option is there for trails based on a
[12] cultural concern just as it would be for a biological
[13] concern. Which I think that's a good comment.

[14] **MS. GONZALES-LYONS:** Yes.

[15] **CHAIRMAN KIBBEY:** Did we blow it? Were we
[16] supposed to give you also information — or comments
[17] on the CDCA portion of it, not just the trails?

[18] **MR. KENNA:** Well, I think comments on the
[19] CDCA portion of it would also be helpful at this point
[20] in time that — where we are in the process, I think
[21] it's really, you know — the overlap of the Monument
[22] Area and the CDCA Plan Amendment, the biggest chunk of
[23] that is related to trails and Bighorn sheep recovery
[24] issues and actions.

[25] **CHAIRMAN KIBBEY:** That was my understanding.

Page 203

[1] **MR. KENNA:** So I don't think —

[2] **CHAIRMAN KIBBEY:** I apologize.

[3] **MR. KENNA:** "Blow it" might be an extreme
[4] description.

[5] **MS. GONZALES-LYONS:** Another comment —

[6] **CHAIRMAN KIBBEY:** Yes, ma'am?

[7] **MS. GONZALES-LYONS:** — dealing with the —
[8] what is it? — the Coachella Valley Multispecies
[9] Habitat Conservation Plan. Your plan proposes that a
[10] lot of this is, I guess, coexisting or connected to
[11] each other, that you are looking for the Multispecies
[12] Plan to be approved and done before certain issues are
[13] dealt with within your plan. What happens if that
[14] doesn't go forward?

[15] **MR. KENNA:** Well, no. Actually, it's the
[16] reverse. We have a deadline to finish the Plan
[17] Amendment for the CDCA Plan Amendment. It has to be
[18] done by the end of this calendar year. That will
[19] almost certainly be ahead of the Multiple Species
[20] Plan.

[21] And so the Federal contributions to the
[22] Multiple Species Plan will be pretty well described by
[23] the time that the decision comes out on the nonvehicle
[24] side.

[25] The exception to that will be the trails

Page 204

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] component, because for us under the BLM planning
[2] system, that doesn't have to occur at a Resource
[3] Management Plan, which would be kind of the equivalent
[4] of a General Plan level. For us, that's an activity
[5] plan level decision. And so we will be able to delay
[6] the final record of decision to close that loop
[7] together with the local jurisdictions.

[8] **MS. GONZALES-LYONS:** But if it isn't
[9] approved, then it wouldn't matter because your Trail
[10] Plan would still be implemented?

[11] **MR. KENNA:** Well, there's a lot of this
[12] Trails Plan that the — the only way a Trails Plan is
[13] going to work in the mountains is if there's a
[14] multijurisdictional approach. And so, I mean, it's
[15] conceivable that BLM could do a Trails Plan on some
[16] trails, but we wouldn't really be managing the system
[17] of trails and a system of opportunities and looking
[18] systematically at the biological and cultural
[19] resources and how they are affected just by virtue of
[20] the land pattern that we have in the mountains.

[21] And so I for a long time certainly have been
[22] an advocate that it's important for all of us to
[23] figure it out together.

[24] **MS. HENDERSON:** Mr. Chairman, does the
[25] Multispecies Habitat Plan have a logo?

Page 205

[1] **MR. CRITES:** Yes. A dollar bill.

[2] **CHAIRMAN KIBBEY:** A big dollar bill.

[3] I did read the entire plan and personally had
[4] no problems or questions with all of the CDCA plan.
[5] Of course, I had heard most of it presented by you
[6] guys at one forum or another, so I was pretty aware of
[7] it, familiar with it.

[8] Does anyone else have any comments, then, on
[9] the other part, the CDCA Plan and — it talks about
[10] all sorts of interesting things and, in fact, covers
[11] one of the comments we had earlier about finding a
[12] place for off-road vehicles to do their thing.

[13] So if anyone else had any comments on the
[14] CDCA plan, please — yes, sir?

[15] **MR. CRITES:** Did BLM bring along their
[16] proposed road changes? A suggestion had been made for
[17] you guys to bring along some maps that you —

[18] **CHAIRMAN KIBBEY:** There are maps in here.

[19] **MR. CRITES:** They are absolutely useless.
[20] You can't tell on that scale.

[21] **CHAIRMAN KIBBEY:** Well, you didn't say they
[22] had to be useful.

[23] **MR. CRITES:** I apologize. Did BLM per
[24] chance as requested bring along the larger scale maps
[25] where people could see the road impacts that are

Page 206

[1] proposed?

[2] **MR. KENNA:** Hold on. I'll check.

[3] **CHAIRMAN KIBBEY:** You had one that you
[4] showed CVAG, at CVAG.

[5] **MR. KENNA:** You are correct. And it appears
[6] that we left them back at the office. My apologies.
[7] But if there is anyone who wants to see those maps,
[8] we'd be happy to make them available and set up a
[9] personal session and walk you through them.

[10] **MS. HENDERSON:** Does that include the maps
[11] identifying the trails clearly named? Because there
[12] was confusion over some of those too. In fact, some
[13] of them I don't think were named.

[14] **MR. KENNA:** I think we are talking about two
[15] different sets of maps at this point. The maps that
[16] Buford is referring to are the route designation maps
[17] that show where the road closures would be, and the
[18] map you are referring to is a different map. I think
[19] we do have a version — I know we have had this
[20] discussion before — that has color coding and names
[21] with it based on your comments that we can get to, we
[22] will check on that.

[23] **MS. HENDERSON:** Thank you very much.

[24] **MS. GEORGE:** To follow up — well, Danella
[25] George.

Page 207

[1] To follow up with what Jim said, after — I
[2] think you have asked for it at two different meetings
[3] and, yes, we have had maps made and they do have the
[4] trails' names on them and they show the seasonal
[5] closures and we actually have them to bring on Monday
[6] for our meeting with Barbara and we will get one to
[7] you.

[8] **MS. HENDERSON:** Thank you.

[9] **CHAIRMAN KIBBEY:** Then continuing past Terry
[10] to Gary. Any comments?

[11] **MR. WATTS:** No.

[12] **CHAIRMAN KIBBEY:** Al?

[13] **MR. MUTH:** Al Muth. I would just like to
[14] comment. I concur with Bob's comments about needing
[15] something in hand to look at. For instance, with the
[16] public scoping comments, yes, I read them. Do I have
[17] time to sit down and classify each of those comments,
[18] put them into categories, and propose alternatives
[19] based on those kinds of comments? No.

[20] And I think — I've got a real job, believe
[21] it or not, and that ain't it. So we do need something
[22] in hand.

[23] **MS. DUNNING:** Okay. So this would be the
[24] point, then, to talk about — since you do have real
[25] jobs, and I recognize that — just to further clarify

Page 208

Coachella Valley California Desert Conservation Area Plan Amendment / FEIS
Appendix F – Public Comments and Responses

[1] REPORTER' S CERTIFICATE

[2]

[3]

[4] STATE OF CALIFORNIA)

[5])SS.

[6] COUNTY OF RIVERSIDE)

[7]

[8] I, Diane L. Martin, a Certified Shorthand

[9] Reporter, do hereby certify that the foregoing 230

[10] pages comprise a full, true, and correct transcription

[11] of the proceedings had and the testimony taken at the

[12] hearing in the hereinbefore-entitled matter.

[13] Dated this 16th day of August, 2002, at

[14] Riverside, California.

[15]

[16]

[17]

[18]

[19]

Diane L. Martin, CSR

[20] CSR NO. 8268

[21]

[22]

[23]

[24]

[25]

Page 232

**RESPONSES TO COMMENTS ARE FOUND IN THE NEXT SECTION OF THIS
APPENDIX**